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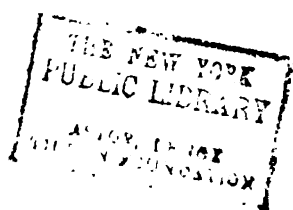
1892



LECTURES ON
UNITED STATES

1851-1852

SECTION I





LEARNING

GROWTH AND

UNITED STATES

EDUCATION

THE CAPITOL AT WASHINGTON

From photo by Handy.

THE CAPITOL

AMERICAN EDUCATION

WASHINGTON

THE LAMBERT OF WASHINGTON
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LECTURES
ON THE
GROWTH AND DEVELOPMENT
OF THE
UNITED STATES



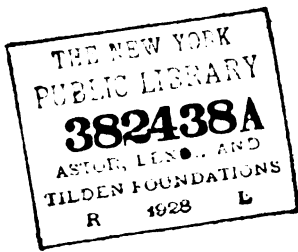
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SERIES ONE

LECTURES ONE TO FOUR

The United States and Its Aboriginal Inhabitants

1. Description of the United States and Its Possessions
2. The Origin, Habitats and Characteristics of the Indians
3. The Indians Past and Present and Their Influence upon the Development of European Civilization in the United States
4. The Mound Builders and Cliff Dwellers

THE UNITED STATES

THE UNITED STATES AND ITS POSSESSIONS

Historic development—The formation of the various States from territory acquired—Non-contiguous territory—The States and Territories, their area, population, chief towns, etc.—Population by State at each census—Topography—Hydrography—Climate—Flora and Fauna—Geology—Mineralogy.

SETTING aside the early, and more or less mythical, voyages of discovery attributed to the Icelanders and their attempts to colonize the new world, of which no precise historic data is available, nor do any definite traces of their occupation remain, we first tread on firm ground in 1492, when Columbus launched into the unknown seas and landed on an island of the Bahamas, thus making known to Europe the existence of new lands beyond the Atlantic.

Fired by his example, other voyagers sailed to the West and made notable discoveries. The Cabots, sailing under the auspices of the English government, in 1497-98 discovered the New England shore; Ponce de Leon, in the service of Spain, in 1512, discovered Florida; Verrazzano, in the service of France, in 1524 discovered the coast of North Carolina, sailing north as far as Cape Breton. The Spaniards founded a settlement at St Augustine in 1565 and gave the name of Florida to North America, France called it Canada, or New

France; while England, by virtue of the discoveries of the Cabots, claimed the entire northern part of the continent.

After several abortive attempts by Sir Walter Raleigh and others to found colonies in Virginia, the London Company and Plymouth Company were granted charters by James I. to colonize that part of North America lying between the 34th and 45th parallels of latitude and extending 100 miles inland, and the territory between the 38th and 41st parallels was included in both grants. In 1620 the 40th parallel was established as the dividing line of the territory of the rival companies.

In 1607 the London Company established the colony of Jamestown, forming the first stable colony of Virginia. In 1614, Captain John Smith, who had left the Jamestown colony, explored the coast of the Plymouth Company and gave it the name of New England. In 1620 the Pilgrim Fathers, or Puritan Separatists, of England, sailed from Plymouth and founded a colony at Plymouth, New

England. In 1628, Endicott established the Massachusetts Bay Colony at Salem, and both colonies were united in 1692 as the Massachusetts Bay Colony, under a charter of Charles I.

In 1609, Henry Hudson, an English navigator in the employ of Holland, sailed in the *Half Moon* up the Hudson River and on the strength of this discovery, a Dutch settlement was made in 1614, on Manhattan Island. A Dutch West India Company was formed in 1620, which received large grants of land on both sides of the Hudson, extending west to the Delaware River and south to include the limits of the present State of Delaware, which territory was named New Netherland. The Swedes also founded a settlement on the west side of Delaware Bay, but owing to a dispute between the Dutch and Swedish colonists, New Sweden was surrendered to the Dutch in 1655.

In 1625 the territory lying between that of the Massachusetts Bay Colony and the Kennebec River was colonized under a grant to Captain John Mason and Sir Ferdinando Gorges, as New Hampshire and Maine. These colonies were divided in 1629.

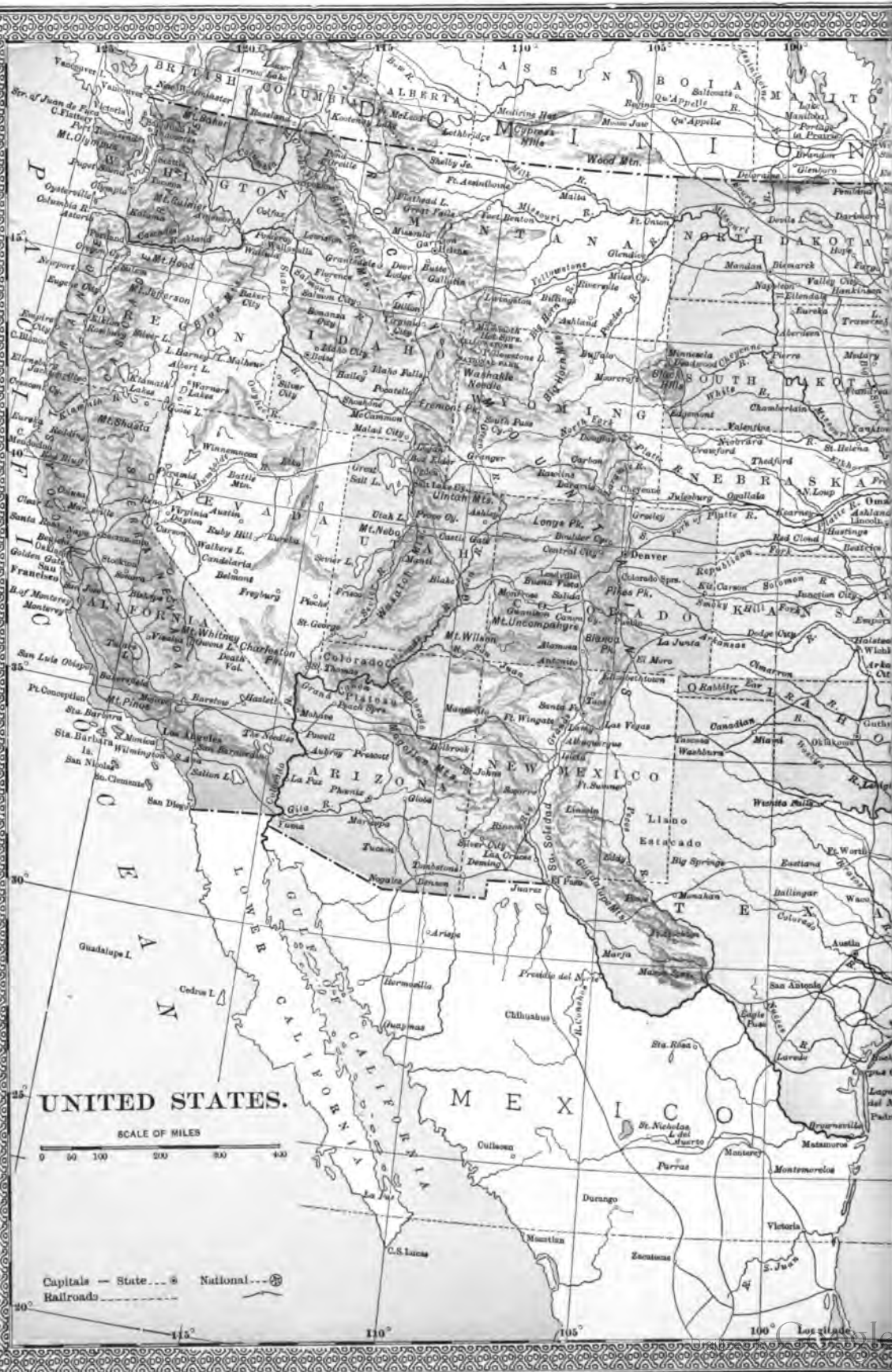
Rhode Island colony was chartered in 1638, and Connecticut colony in 1662.

In 1664, war having broken out between England and Holland, Charles II. gave a charter to his brother James, Duke of York, granting him

the territory of New Netherland. The duke sent out 30 vessels to New Amsterdam to seize the Dutch possessions, which were peaceably surrendered by Governor Stuyvesant. New Amsterdam then became New York, while New Netherland thenceforth became known as New York Colony. The Duke of York then sold the southern part of his territory to Lord Berkeley and Sir George Carteret, and because of the fact that Sir George had been governor of the island of Jersey, it was called New Jersey. The territory, now known as Pennsylvania and Delaware, was granted in 1682 by Charles II. to William Penn. In 1703 Delaware became a separate colony.

All the territory between the English settlements in Virginia and the Spanish ports in Florida was granted by Charles II., in 1663 and 1665, to a company of English noblemen, termed Lords Proprietors, and called Carolina. In 1729 North and South Carolina were organized, and in 1732 Georgia was colonized by James Oglethorpe. Lord Baltimore, in 1669, obtained a grant from Charles I., and in compliment to his Queen, Henrietta Maria, called it Maryland.

The territory now known as the State of Maine was granted by James I. to the Earl of Stirling in 1621, and was then known as Pemaquid. The heirs of the Earl of Stirling sold this tract to the Duke of York in 1663. By a new charter of William and Mary, in 1691, the provinces of Maine and





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Nova Scotia were incorporated with the colonies of Massachusetts Bay and Plymouth, and known as the Royal Province of Massachusetts Bay.

The thirteen original colonies thus settled were New Hampshire, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

In the great contest between England and France for supremacy in the North American continent the colonists fought manfully for the English cause and suffered severely.

In 1749 a company of traders obtained a grant from the Crown of 600,000 acres on the east bank of the Ohio, in what is now West Virginia and Pennsylvania. They made surveys of the territory and one of the surveyors was George Washington. This was regarded by France as an encroachment on her territory and precipitated a struggle. General Braddock was defeated on a march to attack Fort Duquesne. But Amherst captured Ticonderoga; Sir William Johnson captured Fort Niagara; and Wolfe captured Quebec, the result being that France, driven from America, surrendered everything east of the Mississippi River to England. This increased the territory of the thirteen colonies to 827,844 square miles.

Now begins, in 1764, the story of colonial oppression by England. The colonists declared that they could not

be taxed without representation and many harassing duties were levied on colonial imports. The odious Stamp Act was the torch that lit the war between England and her colonies, which lasted from 1775 to 1783, and terminated in the surrender of Cornwallis at Yorktown in 1781.

Congress, meantime, had, on July 4, 1776, adopted the Declaration of Independence, and thus the United States of America came into existence. The treaty of 1783 with England confirmed the States in the possession of all territory east of the Mississippi River, being the same territory given up by France to England in 1763.

In addition to the thirteen original States created by act of Congress in 1776, the District of Columbia, a territory of 64 square miles, was created by Congress in 1790, being ceded by the States of Maryland and Virginia to the Federal Government, on which to found the city of Washington.

Vermont was created out of New York territory in 1791; Maine was separated from Massachusetts in 1820; Kentucky from Virginia in 1792; Tennessee from North Carolina in 1796; Ohio, from the original Territory Northwest of the Ohio, in 1802. Mississippi and Alabama, as at present defined, became independent States in 1817 and 1819 respectively, being formed out of the territory of Mississippi, organized in 1798 out of land ceded by the States of South Carolina and Georgia.

Ohio was the first State formed from the original Territory Northwest of the Ohio River. It was admitted in 1802. The western part of this Northwest Territory became known as the Territory of Indiana. After several changes of internal boundaries and of titles, this was divided into the States of Indiana, 1816; Illinois, 1818; Michigan, 1837; and Wisconsin, in 1848. An addition to these States was that of West Virginia, being the western part of Virginia, which joined the North during the Civil War.

Once the Mississippi was reached the great plains west of the river forming an integral part of the immense basin, intensified the land hunger of the pioneers. The geographic solidarity of the Mississippi valley and Anglo-Saxon aggressiveness were working for the acquisition of Louisiana, that vast territory comprising everything between the Mississippi River and the crests of the Rocky Mountains, excepting Texas. The occasion of the purchase was the offer of the territory, in 1803, by Napoleon to the United States, for \$15,000,000. The offer was promptly accepted. Napoleon had just lost the colony of San Domingo, and he regarded it as geographically impossible for France to retain its permanent possession, menaced as it was externally by England, and internally by the United States. This astonishing stroke of fortune added 900,000 square miles to the territory of the

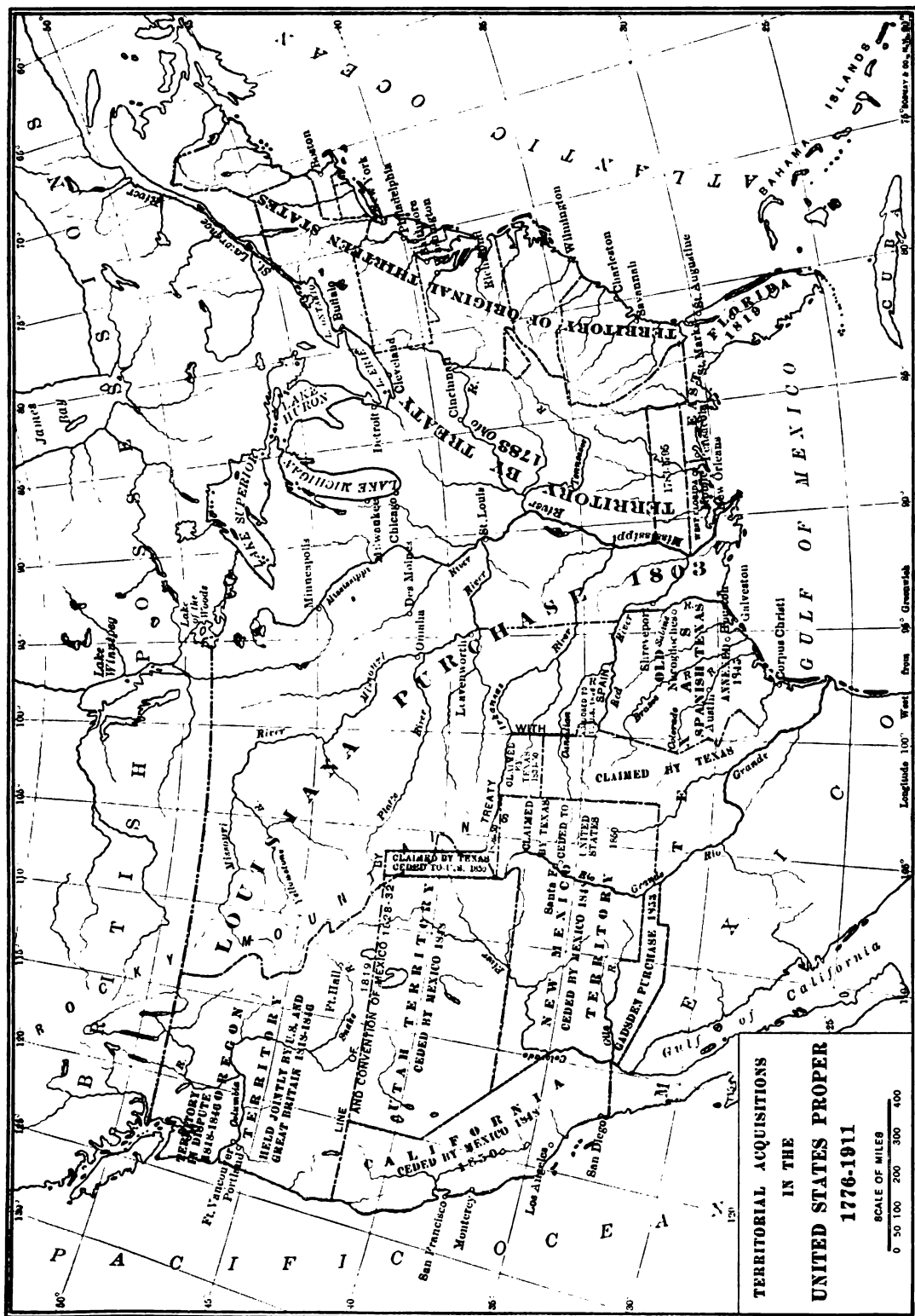
United States, doubling its area, and opened the way for further expansion to the Pacific Coast.

Before the Louisiana purchase was consummated the Lewis and Clark expedition was planned to prepare the way for just such an enterprise. In 1804 they explored the headwaters of the Missouri and the basin of the Columbia, and in 1805 reached the Pacific. By virtue of discovery, occupation, and cession from Spain, the northern boundary of the new Territory of Oregon was established by treaty with Great Britain, in 1846, on the 49th parallel, this being the third addition to United States territory, amounting to 290,000 square miles.

The fourth addition to our territory was the purchase of the Floridas from Spain in 1819, comprising 59,268 square miles, which terminated a long discussion as to territorial rights and boundaries.

The next enlargement of our domain was that of the Republic of Texas which was admitted as a State in 1845. Texas originally belonged to Mexico, but was settled by Americans who in 1836 declared their independence. Its annexation added 375,239 square miles to the United States.

The people of Texas held that their territory extended as far as the Rio Grande del Norte on the southwest, but Mexico held that it only extended to the Nueces River. This precipitated a war between the United States



and Mexico, and in 1848, by conquest, all the remaining Pacific lands south of Oregon Territory, including New Mexico, California and the intervening country from the Rio Grande to the Pacific, and from the Gila, north to the boundary of Oregon, fell into the dominion of the United States, amounting to 545,783 square miles. The Gila River boundary in New Mexico and Arizona, as fixed by the Mexican concession, was corrected by the Gadsden purchase in 1853, of land to the southern watershed, amounting to 45,000 square miles, the price being \$10,000,000.

Out of the vast domain thus acquired the following States and Territories were constituted: Louisiana, 1812; Missouri, 1821; Arkansas, 1836; Florida, 1845; Texas, 1845; Iowa, 1846; California, 1850; Minnesota, 1858; Oregon, 1859; Kansas, 1861; Nevada, 1864; Colorado, 1876; North Dakota, 1889; South Dakota, 1889; Montana, 1889; Washington, 1889; Idaho, 1890; Wyoming, 1890; Utah, 1896. Territories organized — Indian Territory, 1834; New Mexico, 1850; Arizona, 1863; Oklahoma, 1890.

Alaska was purchased from Russia in 1867 for \$7,200,000. Its area is 577,390 square miles.

The Republic of Hawaii, consisting of eight islands in the Pacific, about 2,200 miles southwest of San Francisco was added in 1898. There are eight inhabited and several small uninhabited islands, the total area being 6,740 square miles. Honolulu, the

capital, is situated in the island of Oahu that lies in the center of the group.

The latest accessions of territory made by the United States are the following islands taken from Spain after the war of 1898:

The Philippine Islands, an archipelago of some 1,600 islands lying in the Pacific Ocean around the intersection of the 12th parallel of north latitude and the 122d degree of east longitude, of which the capital is Manila in the island of Luzon. The total area is 127,853 square miles. North and south the length of the entire group is 1,500 miles, while the distance east and west is 650 miles.

Porto Rico lies in the West Indies about 1,000 miles from New York. It is about 100 miles in length and 40 miles in width and has an area of 3,776 square miles.

Guam, in the Ladrone Islands in the Pacific Ocean, lies about 1,500 miles east of Manila. It is 31 miles long and from 5 to 7 miles wide and has an area of 195 square miles.

Tutuila, an island of the Samoan group, having an area of 54 square miles. The adjoining Manna group also belongs to the United States.

The following tables give the various States and Territories with the dates of their ratifications of the Constitution, the dates of their admission into the Union, or their organization, their area, population and principal cities, and also the population at each census.

ALABAMA.

Admitted December 14, 1819.
 Superficial area 52,250 sq. m.
 Population (1910) 2,138,093.
 Chief Towns, with population: Mobile 52,521;
 Birmingham 132,685; Montgomery (capital)
 38,136.

ARIZONA.

Admitted February 14, 1912.
 Superficial area 113,020 sq. m.
 Population (1910) 204,354.
 Chief Towns, with population: Tucson 13,193;
 Phoenix (capital) 11,134; Prescott 5,092.

ARKANSAS.

Admitted June 15, 1836.
 Superficial area 53,850 sq. m.
 Population (1910) 1,574,449.
 Chief Towns, with population: Little Rock
 (capital) 45,941; Fort Smith 23,975.

CALIFORNIA.

Admitted September 9, 1850.
 Superficial area 158,360 sq. m.
 Population (1910) 2,377,549.
 Chief Towns, with population: San Francisco
 416,912; Los Angeles 319,198; Sacramento (capital)
 44,696.

COLORADO.

Admitted August 1, 1876.
 Superficial area 103,925 sq. m.
 Population (1910) 799,024.
 Chief Towns, with population: Denver (capital)
 213,381; Pueblo 44,395; Colorado Springs 29,078.

CONNECTICUT.

Ratified Constitution January 9, 1788.
 Superficial area 4,990 sq. m.
 Population (1910) 1,114,756.
 Chief Towns, with population: New Haven
 133,605; Hartford (capital) 98,915; Bridgeport
 102,054.

DELAWARE.

Ratified Constitution December 7, 1787.
 Superficial area 2,050 sq. m.
 Population (1910) 202,322.
 Chief Towns, with population: Wilmington
 87,411; Dover (capital) 3,720.

DISTRICT OF COLUMBIA.

Organized July 16, 1790 — March 3, 1791.
 Superficial area 70 sq. m.
 Population (1910) 331,069.
 Chief Town, with population: Washington
 (capital) 331,069.

FLORIDA.

Admitted March 3, 1845.
 Superficial area 58,680 sq. m.
 Population (1910) 752,619.
 Chief Towns, with population: Jacksonville
 57,699; Tampa 37,782; Tallahassee (capital) 5,018.

GEORGIA.

Ratified Constitution January 2, 1788.
 Superficial area 59,475 sq. m.
 Population (1910) 2,609,121.
 Chief Towns, with population: Atlanta (capital)
 154,839; Savannah 65,064; Augusta 41,040.

IDAHO.

Admitted July 3, 1890.
 Superficial area 84,800 sq. m.
 Population (1910) 325,594.
 Chief Towns, with population: Boise City
 (capital) 17,358; Pocatello 9,110.

ILLINOIS.

Admitted December 3, 1818.
 Superficial area 56,650 sq. m.
 Population (1910) 5,638,591.
 Chief Towns, with population: Chicago
 2,185,283; Peoria 66,950; Quincy 36,587; Springfield
 (capital) 51,678.

INDIANA.

Admitted December 11, 1816.
 Superficial area 36,350 sq. m.
 Population (1910) 2,700,876.
 Chief Towns, with population: Indianapolis
 (capital) 233,650; Evansville 69,647; Fort Wayne
 63,933.

IOWA.

Admitted December 28, 1846.
 Superficial area 56,025 sq. m.
 Population (1910) 2,224,771.
 Chief Towns, with population: Des Moines
 (capital) 86,368; Sioux City 47,828; Davenport
 43,028.

KANSAS.

Admitted January 29, 1861.
 Superficial area 82,980 sq. m.
 Population (1910) 1,690,949.
 Chief Towns, with population: Kansas City
 82,331; Topeka (capital) 43,684; Wichita 52,450.

KENTUCKY.

Admitted June 1, 1792.
 Superficial area 40,400 sq. m.
 Population (1910) 2,289,905.
 Chief Towns, with population: Louisville
 223,928; Covington 53,270; Frankfort (capital)
 10,465; Lexington 35,099.

LOUISIANA.

Admitted April 30, 1812.
 Superficial area 48,720 sq. m.
 Population (1910) 1,656,388.
 Chief Towns, with population: New Orleans 339,075; Shreveport 28,015; Baton Rouge (capital) 14,897.

MAINE.

Admitted March 15, 1820.
 Superficial area 33,040 sq. m.
 Population (1910) 742,371.
 Chief Towns, with population: Portland 58,571; Lewiston 26,247; Augusta (capital) 13,211.

MARYLAND.

Ratified Constitution April 28, 1788.
 Superficial area 12,210 sq. m.
 Population (1910) 1,295,346.
 Chief Towns, with population: Baltimore 558,485; Cumberland 23,839; Annapolis (capital) 8,609.

MASSACHUSETTS.

Ratified Constitution February 6, 1788.
 Superficial area 8,315 sq. m.
 Population (1910) 3,366,416.
 Chief Towns, with population: Boston (capital) 670,585; Worcester 145,986; Fall River 119,295.

MICHIGAN.

Admitted January 26, 1837.
 Superficial area 58,915 sq. m.
 Population (1910) 2,810,173.
 Chief Towns, with population: Detroit 465,766; Grand Rapids 112,571; Saginaw 50,510; Lansing (capital) 31,229.

MINNESOTA.

Admitted May 11, 1858.
 Superficial area 83,365 sq. m.
 Population (1910) 2,075,708.
 Chief Towns, with population: Minneapolis 301,408; St. Paul (capital) 214,744; Duluth 78,466.

MISSISSIPPI.

Admitted December 10, 1817.
 Superficial area 46,910 sq. m.
 Population (1910) 1,797,114.
 Chief Towns, with population: Meridian 23,285; Jackson (capital) 21,262; Vicksburg 20,814.

MISSOURI.

Admitted August 10, 1821.
 Superficial area 69,415 sq. m.
 Population (1910) 3,293,335.
 Chief Towns, with population: St. Louis 687,029; Kansas City 248,381; Jefferson City (capital) 11,850.

MONTANA.

Admitted November 8, 1889.
 Superficial area 146,080 sq. m.
 Population (1910) 376,053.
 Chief Towns, with population: Butte City 39,165; Great Falls 13,948; Helena (capital) 12,575.

NEBRASKA.

Admitted March 1, 1867.
 Superficial area 77,510 sq. m.
 Population (1910) 1,192,214.
 Chief Towns, with population: Omaha 124,096; Lincoln (capital) 43,973; South Omaha 26,259.

NEVADA.

Admitted October 31, 1864.
 Superficial area 110,700 sq. m.
 Population (1910) 81,875.
 Chief Towns, with population: Reno 10,867; Goldfield 4,838; Carson City (capital) 2,466.

NEW HAMPSHIRE.

Ratified Constitution June 21, 1788.
 Superficial area 9,305 sq. m.
 Population (1910) 430,572.
 Chief Towns, with population: Manchester 70,063; Nashua 26,005; Concord (capital) 21,497.

NEW JERSEY.

Ratified Constitution December 18, 1787.
 Superficial area 7,815 sq. m.
 Population (1910) 2,537,167.
 Chief Towns, with population: Newark 347,469; Jersey City 267,779; Paterson 125,600; Trenton (capital) 96,815.

NEW MEXICO.

Admitted January 6, 1912.
 Superficial area 122,580 sq. m.
 Population (1910) 327,301.
 Chief Towns, with population: Santa Fé (capital) 5,072; Albuquerque 11,020; Roswell 6,172.

NEW YORK.

Ratified Constitution July 26, 1788.
 Superficial area 49,170 sq. m.
 Population (1910) 9,113,614.
 Chief Towns, with population: New York 4,766,883; Buffalo 423,715; Albany (capital) 100,253.

NORTH CAROLINA.

Ratified Constitution November 21, 1789.
 Superficial area 52,250 sq. m.
 Population (1910) 2,206,287.
 Chief Towns, with population: Charlotte 34,014; Wilmington 25,748; Raleigh (capital) 19,218.

NORTH DAKOTA.

Admitted November 2, 1889.
 Superficial area 70,795 sq. m.
 Population (1910) 577,056.
 Chief Towns, with population: Fargo 14,331;
 Bismark (capital) 5,443.

OHIO.

Admitted November 20, 1802.
 Superficial area 41,060 sq. m.
 Population (1910) 4,767,121.
 Chief Towns, with population: Cleveland
 560,663; Cincinnati 363,591; Columbus (capital)
 181,511.

OKLAHOMA (including Indian Territory).

Admitted November 16, 1907.
 Superficial area 70,430 sq. m.
 Population (1910) 1,657,155.
 Chief Towns, with population: Oklahoma 30,000
 (1906); Guthrie (capital) 11,654; Shawnee
 12,474.

OREGON.

Admitted February 11, 1859.
 Superficial area 96,030 sq. m.
 Population (1910) 672,765.
 Chief Towns, with population: Portland 207,214;
 Salem (capital) 14,094.

PENNSYLVANIA.

Ratified Constitution, December 12, 1787.
 Superficial area 45,215 sq. m.
 Population (1910) 7,665,111.
 Chief Towns, with population: Philadelphia
 1,549,008; Pittsburg 533,905; Scranton 129,867;
 Harrisburg (capital) 64,186.

RHODE ISLAND.

Ratified Constitution May 29, 1790.
 Superficial area 1,250 sq. m.
 Population (1910) 542,610.
 Chief Towns, with population: Providence
 (capital) 224,326; Pawtucket 51,622; Woon-
 socket 38,125.

SOUTH CAROLINA.

Ratified Constitution May 23, 1788.
 Superficial area 30,570 sq. m.
 Population (1910) 1,515,400.
 Chief Towns, with population: Charleston
 58,833; Columbia (capital) 26,319; Spartanburg
 17,517.

SOUTH DAKOTA.

Admitted November 2, 1889.
 Superficial area 77,650 sq. m.
 Population (1910) 583,888.
 Chief Towns, with population: Sioux Falls
 14,094; Aberdeen 10,753; Pierre (capital) 3,656.

TENNESSEE.

Admitted June 1, 1796.
 Superficial area 42,050 sq. m.
 Population (1910) 2,184,789.
 Chief Towns, with population: Memphis
 131,105; Nashville (capital) 110,364; Chatta-
 nooga 44,604.

TEXAS.

Admitted December 29, 1845.
 Superficial area 265,780 sq. m.
 Population (1910) 3,896,542.
 Chief Towns, with population: Dallas 92,104;
 San Antonio 96,614; Houston 78,800; Austin
 (capital) 29,860.

UTAH.

Admitted January 4, 1896.
 Superficial area 84,970 sq. m.
 Population (1910) 373,361.
 Chief Towns, with population: Salt Lake City
 (capital) 92,777; Ogden City 25,580; Provo 8,925.

VERMONT.

Admitted March 4, 1791.
 Superficial area 9,565 sq. m.
 Population (1910) 355,956.
 Chief Towns, with population: Burlington
 20,468; Rutland (1900) 11,499; Montpelier
 (capital) 7,856.

VIRGINIA.

Ratified Constitution June 26, 1788.
 Superficial area 42,450 sq. m.
 Population (1910) 2,061,612.
 Chief Towns, with population: Richmond
 (capital) 127,628; Norfolk 67,452; Roanoke
 34,874.

WASHINGTON.

Admitted November 11, 1889.
 Superficial area 69,180 sq. m.
 Population (1910) 1,141,990.
 Chief Towns, with population: Seattle 237,194;
 Spokane 104,402; Tacoma 83,743; Olympia (cap-
 ital) 6,996.

WEST VIRGINIA.

Admitted June 19, 1863.
 Superficial area 24,780 sq. m.
 Population (1910) 1,221,119.
 Chief Towns, with population: Wheeling 41,641;
 Huntington 31,161; Charleston (capital) 22,996.

WISCONSIN.

Admitted May 29, 1848.
 Superficial area 56,040 sq. m.
 Population (1910) 2,333,860.
 Chief Towns, with population: Milwaukee
 373,857; La Crosse 30,417; Madison (capital)
 25,531.

WYOMING.

Admitted July 10, 1890.

Superficial area 97,890 sq. m.

Population (1910) 145,965.

Chief Towns, with population: Cheyenne (capital) 11,320; Sheridan 8,408; Laramie City 8,237.

ALASKA.

Organized July 27, 1868.

Superficial area 590,884 sq. m.

Population (1910) 64,356.

Chief Towns, with population: Nome 12,486; Skagway 3,117; Sitka (capital) 1,396.

HAWAII.

Organized June 14, 1900.

Superficial area 6,449 sq. m.

Population (1910) 191,909.

Chief Towns, with population: Honolulu 52,183; Hilo 6,745.

PORTO RICO.

Superficial area 3,606 sq. m.

Population (1910) 1,118,012.

Chief Towns, with population: San Juan 48,716; Ponce 35,027; Mayaguez 16,591.

PHILIPPINE ISLANDS.

Superficial area 115,300 sq. m.

Population (1903) 7,635,426.

Chief Towns, with population: Manila (capital) 1903) 219,928; Lingayen 21,529.

Population of continental United States 91,972,226

Population of non-contiguous territory including Alaska, Hawaii, Porto Rico, the Philippine Islands, the islands of Guam and Samoa, and the Canal Zone, and persons in military and naval service stationed abroad 9,169,668

Total 101,141,934

The tables on pages 10 and 11 show the population at each census.

Topography.

The contour of the United States is that of an irregular parallelogram whose boundaries, with slight exceptions, coincide with those of nature. It is bounded on the east by the Atlantic Ocean, on the south by the Gulf of Mexico, the Rio Grande del Norte

and a conventional line running westward to the California coast, on the west by the Pacific Ocean, and on the north by an artificial line, the 49th parallel of north latitude from Puget Sound to the Lake of the Woods and thence along the Rainy River to Lake Superior, and thence along the line of greatest depth of Lakes Superior, Huron, Erie and Ontario, and the River St. Lawrence, until it joins the artificial line forming the northern boundary of the States of New York, Vermont, New Hampshire and Maine, reaching the Atlantic at the mouth of the St. Croix River.

The area of the United States territory is 3,025,600 square miles; this includes 55,600 square miles of water exclusive of the Great Lakes, the American portion of which amounts to 65,000 square miles. Alaska has an area of 577,390 square miles which makes the total area of the United States territory on the North American continent 3,688,167 square miles.

The extreme length of the United States territory from east to west is 2,875 miles, and the extreme length from north to south is 1,700 miles. Leaving out of consideration the political boundaries already mentioned, the length of the United States coasts not including Alaska, following the contour lines of the shores, islands and navigable estuaries, amounts to 36,300 miles, of which the rugged rockbound coast amounts to 15,500 miles and the sandy coast to 20,800 miles.

TABLE OF POPULATION OF STATES, TERRITORIES AND POSSESSIONS, 1790 TO 1910.

State or Territory.	1790	1800	1810	1820	1830	1840	1850	1860	1870	1880	1890	1900	1910
Alabama.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arizona.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Arkansas.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
California.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Colorado.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Connecticut.....	237,946	251,002	261,942	275,248	297,675	309,978	370,792	464,201	596,992	1,262,505	1,513,401	1,828,697	2,138,093
Delaware.....	59,096	64,273	72,674	72,749	76,748	78,085	91,532	112,216	125,015	146,008	169,493	184,735	202,332
District of Columbia.....	.....	14,093	24,023	33,039	39,834	43,712	51,687	75,080	131,700	177,624	230,392	278,718	331,099
Florida.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Georgia.....	82,548	162,686	242,433	340,989	516,823	691,392	906,185	1,057,286	1,184,109	1,542,180	1,837,353	2,216,331	2,609,121
Idaho.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Illinois.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indiana.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Indian Territory.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Iowa.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kansas.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Kentucky.....	73,677	220,955	406,511	564,317	687,917	779,828	982,405	1,155,684	1,321,011	1,648,600	1,858,635	2,147,174	2,289,905
Louisiana.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Maine.....	96,540	151,719	228,705	298,335	399,455	501,793	583,169	628,279	626,915	648,936	661,086	694,466	742,371
Maryland.....	319,728	341,548	380,546	407,350	447,040	470,019	533,034	687,049	780,894	924,943	1,042,390	1,188,044	1,295,846
Massachusetts.....	378,787	422,845	472,040	523,287	610,408	737,699	994,514	1,231,066	1,457,351	1,783,085	2,238,947	2,805,346	3,366,416
Michigan.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Minnesota.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Mississippi.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Missouri.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Montana.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nebraska.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Nevada.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New Hampshire.....	141,885	183,858	214,460	244,161	269,328	294,574	317,976	326,073	318,300	346,991	376,530	411,588	430,572
New Jersey.....	184,139	211,149	245,562	277,575	320,823	373,306	489,555	672,035	908,096	1,131,116	1,444,933	1,883,699	2,537,167
New Mexico.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York.....	340,120	589,051	959,049	1,372,812	1,918,608	2,438,921	3,067,394	3,880,735	4,382,759	5,082,871	6,003,174	7,268,894	9,113,614
North Carolina.....	393,751	478,103	556,500	638,829	737,957	783,419	869,039	992,622	1,071,361	1,399,760	1,617,949	1,893,810	2,206,267

POPULATION.

[illegible]

* The population of Indian Territory is included in that of Oklahoma. † The population of Dakota Territory in 1890 was 4,337. ‡ The population of the Philippines in 1903 taken by the War Department. || Hawaii had a population of 89,990 according to a census taken December 28, 1890, by the Hawaiian Government. § The census of Porto Rico in 1899 taken by the War Department.

*The population of Indian Territory is included in that of Oklahoma.

ing to a census taken December 28, 1890, by the Hawaiian Government. The census of Porto Rico

[illegible]

The territory of the United States consists of a vast central plain, the water shed of the Missouri-Mississippi river system and its affluents. This is bounded on the east by the Appalachian Mountain System, which is separated from the Atlantic Ocean by a fringe of land known as the Atlantic slope. It is bounded on the west by the broad and complex ranges of the Rocky Mountains, and the plateau lying between the Rockies and the Sierra Nevada and Cascade Range, west of which lie the valleys of California and Oregon, which are separated from the Pacific Ocean by the lower coast ranges.

The Appalachian system appears in Maine in a series of irregular elevations, that culminate in Mt. Katahdin, which rises 2,505 feet. In New Hampshire and Vermont they form the White and Green Mountains, respectively, separated by the Connecticut River. The highest peak in the White Mountains is Mt. Washington, 6,293 feet, while the culminating point in the Green Mountains is Mt. Mansfield, 4,389 feet. Two interesting sub-groups of this system in New York State are, the Adirondack plateau lying between Lake Champlain and the St. Lawrence and the Mohawk Valley, which has, in Mt. Marcy, an altitude of 5,379 feet, and the Catskills, whose highest peak is Slide Mountain, rising 4,000 feet.

Beginning in northern New Jersey and running through central Pennsylvania, the two Virginias and through

sections of Kentucky, Tennessee, North Carolina, Georgia and Alabama, the Appalachian system, here known as the Alleghany Mountains, extends in a southwesterly direction in a zone of parallel chains enclosing a long narrow valley lying between the elevated ridges. These ranges are known by different local names. The Blue Mountains run across the northwestern part of New Jersey and the eastern part of Pennsylvania, and are penetrated by the Delaware, the Lehigh Valley, Schuylkill and Susquehanna rivers. In the Virginias beyond the Potomac, the North Shenandoah Mountains, South Mountain and Alleghany Mountain, divide the two States, and the Blue Ridge of Virginia expands into the wide plateau of western North Carolina. The Cumberland Mountains between Virginia and Kentucky and the great Smoky Mountains between North Carolina and Tennessee are conspicuous features. It is in this southern region that the Appalachian System assumes its greatest grandeur. Its highest elevation is Black Dome, 6,707 feet.

The Atlantic Slope, together with Florida and the Gulf Plain, that penetrates the valley of the Mississippi as far north as the Ohio River, forms an extensive coastal plain that nowhere exceeds 500 feet in elevation.

The Mississippi-Missouri basin has an area estimated at 1,750,000 square miles; this includes the basins of the Missouri, the upper Mississippi, the

Ohio, the Arkansas, the Red River, together with the minor basins of the Yazoo and St. Francis rivers. From the source of the Missouri to the mouth of the Mississippi is a distance of 4,200 miles.

In addition to the basin of the Mississippi, there are the minor river basins of the Atlantic slope and Florida, the coast basin of the Apalachicola, Alabama and Pearl rivers and their tributaries, and the coast basin of the Texas rivers, the Sabine, Trinity, Brazos, Colorado, San Antonio and Nueces; the basin of the St. Lawrence, in which are contained the rivers of Michigan and some few rivers of Wisconsin; the basin of Hudson Bay into which flow the Red River of the north and Souris River of Dakota. There are also the basin of the Colorado which flows for hundreds of miles between the walls of a cañon a mile in depth, the basins of the Columbia and Sacramento rivers, and the Pacific Coast basin. In addition to these there is an extensive basin in the heart of the Rocky Mountains which formerly belonged to one or the other of the river systems that flow into the Pacific, but which is at present a closed basin, having no outlet to the sea. This region encloses Great Salt Lake, a large portion of Utah, almost all of Nevada, with parts of southern California and Oregon. From north to south this zone of internal drainage is 600 miles in length with an extreme breadth of over 500 miles. At more

than one point it is depressed below sea level as in Death Valley and the depression of the Salton Sea.

The Rocky Mountain plateau, whether regarded from the standpoint of area, or altitude, is a region of sublime proportions. The prairies west of the Mississippi gradually increase in elevation until they reach an altitude of 5,000 feet. This high table land stretches from Mexico to Canada, and from Kansas to California, 1,000 miles north and south and 1,000 miles in extreme width. On this elevation are the Staked Plain of Texas and New Mexico, the Bad Lands of Dakota, a large part of the territory of Montana, Idaho and Oregon, the great basin of Nevada, the low lands of Utah and the plateau of Colorado.

The largest connected mountain region in this table land contains heights varying from 6,000 to 12,000 feet and ranges from the Zuni Mountains of New Mexico to the Big Belt Mountains of Montana. It includes the Yellowstone National Park, the high plateau of Wyoming and Colorado, and the Wahsatch Mountains of Utah, and a detached plateau of similar elevation occupies the centre of the great basin in Nevada. Those areas of the Rocky Mountain plateau that soar above 12,000 feet are naturally of more restricted area. The San Juan Mountains, the Uncomphagre Mountains, the Crystal Mountains, the Siwatch Mountains, the Front and Park ranges and Pike's

Peak, in Colorado, are of this elevation, as are also the Wind River and Big Horn Mountains of Wyoming, the Uintah Mountains of Utah, and a large part of the mountain wall between Nevada and California, the Sierra Nevada, whose highest peak is Mt. Whitney, 14,898 feet. The highest peaks in this division of the Rocky Mountains are: Pike's Peak, 14,147 feet; The Mount of the Holy Cross, 14,167 feet; Long's Peak, 14,271 feet; Umcomphagre Peak, 14,245 feet; Mt. Harvard, 14,375 feet, and Blanca Peak, 14,463 feet in the Sangre de Cristo range. Further north the Cascade Range has the culminating peaks of Mt. Shasta, 14,350 feet; Mt. Baker, 10,827 feet; Mt. Adams, 12,470 feet, and Mt. Rainier, 14,526 feet.

Alaska is situated in the northwest corner of the American continent. The topography of Alaska is extremely irregular and the coast line is of amazing sinuosity, being broken up into fiords and bays surrounded by lofty mountains bearing frequent glaciers, and the southern coast is largely protected by an archipelago of lofty islands. The Yukon, which is the third largest river in the continent, is 2,500 miles in length, and is navigable from Behring Sea to White Horse Rapids in Canadian territory. Its main affluent is the Porcupine River. Other rivers of importance are the Kuskokwim, Tanana and Copper rivers. In the vicinity of Copper River are congregated

many of the highest mountains in the United States territory; Mt. Fairweather is 15,000 feet; Mt. Crillon is 15,900 feet; Mt. Wrangell 17,500 feet. On the international boundary is Mt. St. Elias, 18,024 feet, and in the centre of South Alaska rises the peerless dome of Mt. McKinley, 20,464 feet. There are in all about 70 peaks hereabouts, ranging from one to three miles in height, which surpass those of Switzerland in sublimity of scenery.

The Alaska Mountains have a southwesterly range and the Alaska peninsula is their continuation into the Pacific Ocean, where the altitude becomes lower and lower until the range is submerged and only the crests of the highest mountains appear, as the Aleutian Islands which extend within 200 miles of Japan.

The Hawaiian Islands, consisting of Hawaii, Maui, Lanai, Molokai, Oahu, Kauai and Nihau, whose total area is 6,449 square miles, are noted for having the largest volcanos in the world. Mauna Kea, 13,800 feet, and Mauna Loa, 13,675 feet, and Kilauea, 4,040 feet, are situated on Hawaii Island.

These volcanos are active and at intervals discharge immense rivers of red hot lava that find their way to the sea. The giant crater of Haleakala on the island of Maui is the largest in the world, having a circumference of more than 20 miles, and an elevation of over 12,000 feet. The circular valley known as the Punch

Bowl, near Honolulu, on Oahu Island, is another extinct crater, of which there are more than 200 in the Hawaiian group.

The wonderful rock effects due to volcanic agency culminate in the famous pass of the Pali, in Oahu, a precipice that rises more than 1,000 feet above sea level. Here the rival chiefs of the olden days hurled their enemies over the precipice.

Pearl Harbor, near Honolulu, is the finest landlocked harbor in the Pacific; the entrance is half a mile wide while the harbor itself is four miles in width.

The island of Porto Rico forms part of the axis of upheaval of which Cuba and Hayti are component parts. Its formation gives it a precipitous appearance. The highest mountain is El Yunque, 3,670 feet. The wasting away of its soil by tropical rains and the growth of coral reefs and beaches form alluvial plains, marshes and lagoons. The harbors are silting up so that the shore line is gradually being moved further out to sea. The interior of the island is mountainous, but the mountains are rounded by the erosion of rains and streams and the loosening of the soil by agriculture. No similar size of territory in the world can display such a variety of surface.

There are some very fine harbors in Porto Rico; the harbor of San Juan, the Bay of Jobos, Guayanilla, Guánica, are the most important. There is a railroad that runs along the coast

from San Juan to Ponce. There are fine macadamized roads in the island and the bridges are well constructed of stone and iron. Now that the island has become a United States possession, the old native roads are being everywhere reconstructed, the harbors deepened, and surveys are being made by which exact idea of the topography of the island will be acquired. The area is 3,600 square miles.

The Philippine Islands as a whole are remarkable for their volcanic phenomena. The whole surface of the islands is essentially mountainous, and the only plains are the restricted spaces between the ranges. The islands curve in a graceful line from the south to the northwest in the following order: Mindanao, Leyte, Samar, Masbate and Luzon. There is an inner line of islands running parallel to the above, known as Bohol, Cebu, Negros, Panay and Mindoro. The Sulu archipelago on the south and the Paragua archipelago on the west almost connect the main body of islands with Borneo, and enclose a rectangular basin known as the Sulu Sea.

Manila, the capital of the Philippines, occupies a splendid position on a spacious bay some 120 miles in circumference, on the west coast of Luzon, at the mouth of the Pasig River, which is the outlet of a large inland sea, Laguna de Bay.

Luzon, which is the most rugged of the Philippine Islands, has most of

its mountain ranges radiating from the culminating range of the Caraballo. Volcanos are most active in the southern part of Luzon. About 50 miles south of Manila lies the lake Bombon, which was formerly an enormous crater in whose centre is an islet formed by the volcano of Taal, which has frequent eruptions. Still further south, on the most southerly peninsula, stands the volcano of Bulusan. Between these two craters lies a group of volcanos of which Mayon is the most important, rising 9,000 feet. The highest peak in the archipelago is Mt. Apo, a volcano in Mindanao, which is 10,312 feet.

The United States Geographical Survey has been engaged since it was organized in making a topographic survey and map of the United States. The unit of survey is 15', 30' or 1° in extent each way, covering an area of one-sixteenth, one-fourth or one square degree. The unit of publication is an atlas sheet sixteen and one-half by twenty inches, and each sheet is a topographic map, of one of the above areas. The scale of the full degree sheet is 1:250,000, that of the thirty minute sheet, 1:125,000, and that of the fifteen minute sheet is 1:62,500. The artificial features such as roads, railroads, towns and cities, etc., as well as all lettering are in black; all water features are printed in blue, while the features of relief, hills, mountains, etc., are shown by brown contour lines. Some maps of areas that are economically impor-

tant are called special maps, and these as well as the ordinary maps, are shown on the index map issued by the department on application.

Topographic maps have been made covering the greater part of the New England States, and the States of New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Missouri, Kansas, Arkansas, Colorado, Oklahoma, Texas, Utah, Montana and California. Maps of small sections of North Carolina, South Carolina, Kentucky, Tennessee, Alabama, Florida, Louisiana, Mississippi, Indiana, Illinois, Iowa, Michigan, Minnesota, Wisconsin, North Dakota, Nebraska, South Dakota, Wyoming, New Mexico, Arizona, Idaho, Nevada, Oregon, Washington, have also been issued.

Each of the rectangles outlined in red on the index map shows the location and area of a quadrangle of which a topographical survey has been made. The price of the maps is five cents each of standard size.

Hydrography.

The chief hydrographic system of the United States is the Mississippi-Missouri system. Although the river from its source to its delta is known by two different names, yet its geography knows no artificial appellations, for whether flowing through the gloomy gorges of the Rocky Mountains near its source, or meandering through the prairies, savannahs or cypress swamps of the South-

ern States, it is still the "Father of Waters," the greatest river on the globe excepting the mighty Amazon of South America. That part of the river known as the Missouri takes its rise in a lake near the source of the Snake River on the continental divide. The Missouri flows northward through a succession of romantic ravines and gorges and at Fort Benton, the head of navigation, it makes a bend to the northeast before finally taking a southeasterly direction.

The Yellowstone River draining the wonderland of Yellowstone Park is an important affluent. Where the river makes its leap of 300 feet at the Great Falls it makes a superb picture. Below the confluence with the Yellowstone the Missouri assumes the proportions it retains throughout its entire course, save that its depth increases; its course east is deflected by the escarpment of the Couteau du Missouri south and southeast. It now meanders through a vast prairie region developing complex sinuosities and constantly changing the form of its alluvial banks. The Big Cheyenne, White River, Niobrara and Platte rivers are its main affluents. The Missouri joins the Mississippi north of St. Louis, where the rivers are a mile each in width.

The Mississippi has its source in Lake Itasca in Minnesota, where it here flows north, and after passing through Winnebigoishish Lake takes a winding course to the south close to the watershed of the St. Louis River,

that enters Lake Superior at Duluth. The upper waters of the Mississippi naturally terminate at the Falls of St. Anthony at Minneapolis, which are rather a cascade, having a fall of 65 feet and a width of 1,000 feet. Below St. Anthony's Falls the main affluents are the Minnesota, St. Peter, Cedar, Turkey, Iowa, Skunk and Des Moines rivers, on the right bank, and the St. Croix, Chippewa, Wisconsin, Rock and Illinois rivers on the left.

Lake Michigan is connected with the Illinois River by means of a canal dug about ten feet below the level of the lakes.

The Mississippi-Missouri, after leaving St. Louis, cuts its way through the barrier of the Ozark Hills and at the confluence of the Ohio enters an alluvial plain studded with lagoons and morasses, where the huge river like a snake coils and uncoils itself in the alluvial valley.

Levees of embankments have been constructed with vast labor to protect low-lying land from inundations. These skirt the river on both sides for over 1,000 miles. Frequently crevasses occur, and millions of acres disappear beneath the floods.

Below Cairo the affluents of the river are the Arkansas, the Red River, the St. Francis and Yazoo rivers. Beyond New Orleans the river enters the Gulf of Mexico by means of several mouths.

The St. Lawrence River, including the Great Lakes, is the most dramatic

river system on the globe. All rivers were originally a series of lakes that overflowed from one to another over the lowest points of their containing basins. In time, the connecting streams cut connecting channels deep enough to drain the lakes and the resulting river flows in a smooth and well-defined course. At one time the overflow of the Great Lakes passed into the Mississippi either by way of the St. Croix River at Ashland, Lake Superior, or by way of the Illinois River, where Chicago is located. But about 75,000 years ago the western watershed of the lakes became sufficiently elevated to cause the overflow to pass down the Niagara River, producing that marvelous cataract and the River St. Lawrence.

The Niagara River is industriously at work cutting a chasm for its waters back to Lake Erie and many thousands of years hence will drain that lake as well as Lakes Huron, Michigan and Superior.

The Colorado River that drains the Rocky Mountain plateau lying between Utah and Colorado is a magnificent example of the power of water to cut a channel for its waters deep into the rocky crust of the earth. The great chasm is of unrivaled grandeur. The river seems to flow in a bottomless pit more than a mile in depth, where it roars in whirlpools and rapids between the colossal walls of sandstone, marble and granite that rise in imposing majesty, reared in-

deed by the invincible power of the torrent.

The basin of the Columbia River adjoins that of the Colorado on the north in the watershed of its chief affluent, the Snake River, but its northern section lies in British Columbia. The Snake River has its source in the Wind River Mountains of Wyoming and flows into the Columbia in a serpentine fashion, where that river first begins to turn to the west also. The Columbia has already received the waters of the Spokane and Yakima rivers. It breaks through the Cascade mountains and receiving the Willamette it flows some miles in width into a tidal estuary, draining a basin of 214,000 square miles.

The Great Basin that lies between the basins of the Colorado and Columbia and the Sierra Nevada Mountains on the west is mostly an arid region. In the northeast angle lies Great Salt Lake, a shallow expanse of water which in past ages was at least nine times larger than its present area. It has no outlet to the ocean but rises and falls according to the seasons, its oscillations varying from 1,730 square miles to 2,200 square miles. Pyramid Lake, Lake Tahoe and Humboldt Lake, Goose Lake, Sevier Lake and Lake Malheur are other land-locked bodies of water in the Great Basin.

The Sacramento and San Joaquin, that water the north and south sections, respectively, of the California

valley, find their outlets through the Golden Gate.

The rivers of the Atlantic slope form a separate coastal basin of New England, the largest one being the Connecticut. The Hudson is rather a marine channel than a river and was formerly connected with Lake George and Lake Champlain. The Delaware, Susquehanna and Potomac are remarkable for having penetrated the Alleghanies and draining wide territories west of the mountains. All the streams that drain the Atlantic Plain resemble each other, having pure water in their upland courses, and wind sluggishly through the swamps that fringe the seaboard. The rivers of Florida have direction of flow peculiarly their own and occupy the beds of old sea channels.

The Atlantic Coast basin is supplemented by the basin of Alabama and Mississippi whose rivers flow directly into the Gulf of Mexico.

A hydrographic feature of Alaska is its glaciers. These are chiefly the Muir Glacier at the head of Glacier Bay and Malaspina Glacier in Yakutat Bay, which has an area of 600 square miles. The ice cliffs of Valdez Glacier are 15 miles long.

In the Philippines the largest river is the Rio Grande de Cagayan which drains 16,000 square miles and flows northerly into the Pacific Ocean. South of the Cagayan Basin the central part of Luzon is drained by the Rio Grande de la Pampanga into Manila Bay. In Mindanao the rivers

flow north and south. The Rio Grande de Mindanao flows through a fertile and populous valley discharging into the Celebes Sea. Its length is 200 miles. The Rio Agusan rises near the southern coast and flows for 125 miles into an arm of the Sulu Sea. The largest lakes are Laguna de Bay, 25 miles long and 21 miles wide, and Lake Bombon, 14 miles long by 11 miles wide.

Climatic.

The mean annual temperature of the United States is 52° F., which is that of its mean latitude, the 37th parallel. This is the same temperature that prevails in Europe on a line drawn through that continent along the south of England which is 1,000 miles nearer the North Pole.

The United States has a hotter climate in summer than that of Europe owing to its large land surface occupying a more southerly portion, but in winter it is proportionately colder by reason of the great area that approaches and lies within the Arctic Circle.

The climate of the Atlantic zone is characterized by the regularity with which the normal temperature decreases from north to south. This regularity is caused by the fact that the Alleghany Mountains have a trend parallel to the Gulf Stream, the Arctic current and to the prevailing aërial currents that move from northeast to southwest and from southwest to northeast. While the climate of the uplands of the Alleghanies nat-

urally varies with the altitude, yet both slopes being swept by the same winds have a similar climate.

There is an exception to the regularity noted in that the greatest summer heats of the Atlantic seaboard are hotter than the south of Florida which is a distinctly insular climate, while the seaboard of the States is bathed in the hot southwestern winds that prevail. In winter also the cold is increased by the northwest winds that frequently freeze the oranges growing in North Florida. Thus the oscillations of the thermometer, which amount to only a few degrees either in winter or summer, or from day to night in Key West, increase as we go north, the range being 20° F. at Charleston, 36° F. in Philadelphia, and 40° F. in Boston.

In general the rainfall bears a direct ratio to the temperature and is therefore heavier in the Southern than in the Northern States.

In the Mississippi Valley the junction of the Missouri and Mississippi rivers may be regarded as the meteorological centre both of the central basin and of the whole United States. The mean temperature is 53° F. which oscillates between 20 and 23 degrees, but the extremes of temperature for winter and summer reach 126 degrees. The mean temperature gradually decreases from New Orleans to Duluth, while the range of temperature undergoes a corresponding increase of amplitude between the same two points as shown in the following

table which is based on observations made during 12 years.

	Lat.	Mean temp.	Summer	Winter	Extreme		Range
					Heat	Cold	
Duluth.....	46° 48'	40° F.	63°	10°	99°—38°		137°
Chicago.....	41° 52'	49°	68°	22°	99°—13°		112°
St. Louis.....	38° 37'	55°	74°	29°	106°—17°		123°
Cairo.....	37°	58°	76°	36°	103°—7°		110°
Vicksburg....	32° 24'	65°	81°	50°	101°+10°		91°
New Orleans..	29° 57'	69°	82°	58°	96°+15°		81°

The rainfall as a rule decreases according to latitude, as we go north. Thus it is 50 inches at New Orleans, 39 at St. Louis and 28 at Milwaukee. But from east to west the decreasing precipitation is more marked. The mean annual rainfall between the Alleghanies and Texas ranges from 40 inches to 15 inches.

The Great Lakes exercise a moderating influence on the surrounding climate. In summer the temperature is lowered and in winter it is raised several degrees in the contiguous territory. No part of the Mississippi basin is free from snow. A few flakes have fallen at New Orleans and Galveston but they melt as soon as they fall, whereas in the northern part of the basin snow lies two or more feet deep for several months. The abrupt changes of temperature sometimes produce the phenomenon of an ice storm in which rain falling on the frozen branches of the trees becomes a crystal sheath of ice that sparkles in the sunlight like millions of jewels.

Tornados, or cyclone storms, are peculiar to Kansas, Missouri, Iowa, and Illinois, and take place mostly in May, June, or July. A funnel-shaped cloud is seen hanging out of a blackened sky. Its progressive movement

varies from 15 to 70 miles an hour, but its velocity on its own axis amounts to several hundred miles an hour. Wherever it touches the earth houses are blown down, trees uprooted, ponds and rivers sucked dry. In the track of the whirlwind nothing can resist its awful energy. A storm usually devastates from 10 to 30 miles of country, cutting a swath 1,000 feet wide.

Blizzards are snow storms of exceptional intensity that for days obliterate the landscape and bury the luckless traveler, or the live stock of the ranchers, in a whirlwind of snow.

The plateaux lying between the Rocky Mountains and the Sierra Nevada, bereft of humid winds, have the character of deserts. It is true that moist winds from the ranges blow over this region, but the soil absorbs so much heat from the sun that such winds are only made warmer, and so retain their moisture until they reach a climate sufficiently cool to compel precipitation.

The desert of the lower Colorado is the point of greatest heat in the United States, the thermometer rising to 104° F. at Fort Yuma. The zone formed of certain parts of Utah, Arizona and New Mexico receives no water except the mountain torrents, and tillage would be impossible without irrigation.

The Pacific seaboard has a climate totally different from that of the hot interior plateau and is cool and moist. In the same latitude the annual tem-

perature is warmer on the Pacific than on the Atlantic coast. The waters of the Pacific are cool and a cool ocean breeze greatly modifies the climate.

The rainfall increases from south to north. The annual rainfall at San Francisco is 20 inches but the rainfall at the mouth of the Columbia is 40 inches.

There are great differences of climate in Alaska. In the southeast the Japanese current produces a temperate climate as far north as Sitka. The prevailing winds are from the Pacific and cause an almost continuous rainfall. This is true of the Aleutian Chain also. In the interior beyond the mountains dryer and colder conditions prevail. The winters are excessively cold and the summers longer and warmer than on the coast regions. At Sitka the coldest month is January—31°—the warmest, August—55° F. The annual rainfall is 81 inches. At Point Barrow, farthest north, the mean winter temperature is 17° F. below zero, but 50° F. is often reached. Summer averages 36° F.

In Hawaii the climate is that of perpetual summer, healthful and agreeable. The average temperature is 71° F. There is an abundant rainfall, being 176 inches on the windward side of the islands and 51 inches on the leeward. Tornadoes are unknown.

The climate of the Philippines is also continual summer. From March to May is the hottest season. The

rainy season begins in the middle of April and lasts six months and the annual rainfall is 99 inches. The range of the thermometer is from 66° F. to 90° F.

Porto Rico has a most healthful climate; the thermometer rarely gets above 90° F. and never below 50° F. The rainfall is 64 inches. There are 57 rivers and streams but none of large dimension.

Flora and Fauna.

The various climatic zones of the United States are characterized by a definite flora. Soil as well as climate plays a great part in the distribution of vegetable growth. The Appalachian seaboard and mountains sustain large forest growths. Between the forests and the Rocky Mountain plateau come the prairies that were formerly boundless seas of herbaceous plants merging into desert regions. The arid plateaux of the Rocky Mountains form another zone which is followed by the California lowlands.

The Atlantic coastlands and highlands, being a plentifully watered region, support a large forest growth presenting a great variety of species. Perhaps the most characteristic tree in this region between the Atlantic and the Mississippi and stretching from Tennessee to beyond the Great Lakes is the hemlock spruce (*Tsuga Canadensis*). In all this region, however, deciduous trees abound — oak, maple, elm, poplar, linden, cherry, walnut, chestnut, birch, beech and

alder. On the uplands of the Alleghanies are coniferous forests of hemlock, white pine, fir and mountain ash. There is a wealth of vines, mountain laurel, dogwood, rhododendrons, honeysuckle, etc. The white pine (*Pinus strobus*) was formerly the dominant tree, but has been largely cut down by the lumberman's axe. In the Southern States, between the Mississippi and the Atlantic, Georgia pine (*Pinus palustris*) predominates.

On the coastlands of the Carolinas is a region of "pine barrens" associated with cypress, that grow in marshy tracts. From the branches of the cypress hang the long gray fibres of the "Spanish moss" which is a characteristic feature of these forests. The Palmetto palm (*Sabal palmetto*) is seen on the Carolina and Georgia seaboard. In south Florida tropical flora prevails. The orange and lemon are associated with cedars, magnolia, live oak, mahogany, palm woods and epiphytes while the Keys are fringed with mangroves.

In the forests of Maine are to be found the three principal members of the Laurentian deer family — the moose, wapiti or elk, caribou or woodland reindeer, besides which deer are also plentiful. In remote districts bear, wolves and lynx exist and an occasional panther. Of lesser game, porcupine, woodchuck, skunk, opossum, squirrel, marten, raccoon, hares, wild turkey, grouse, pigeons, buz-

zards, ibis, geese, ducks and swans are more plentiful.

Before the Mississippi basin was settled by the white man the prairie region west of the river was clothed with grasses, while the river courses were bordered with arborescent growths of cottonwood and willows. Apparently these regions have always been destitute of trees. Nature seems to have been more hospitable to herbaceous plants which here find conditions favorable to their growth. Of course the prairie region is now given over to agriculture and endless fields of maize take the place of the grasses which formerly supported millions of buffaloes. The gramma or "bison grass" forms a natural pasturage for great herds of cattle. Sage brush is very plentiful. In the western plains, lacking the moisture of the Atlantic seaboard, trees do not have the proportions of those of Virginia. Sometimes the forest is entirely killed by lack of moisture and crumbles into dust. In the valley of the Mississippi where the soil is rich and rainfall abundant, sugar, cotton, maize and other plants flourish.

The "Cross Timbers" region in Texas is a tract of small-leaved oaks growing in arid soil—a connecting link between the fertile eastern lands and the arid western plateau. Of the fauna of the Mississippi basin, the herds of buffalo that formerly roamed over the prairies in millions have disappeared and the animal is preserved in small groups fenced in parks.

The prong-horned antelope is found in Kansas, the jaguar and ocelot in Texas. The coyote, a species of wolf, and the prairie dog that lives in a community of burrows, are characteristic animals. Alligators are found in the southern bayous. Armadillos are peculiar to Texas.

The Rocky Mountain plateau that stretches from the upper Missouri to Texas and from the plains of Colorado to the Sierra Nevada differs widely as a floral region from the Appalachian region, for not 20 per cent. of its plants are found in the East. The limit of tree growth rises from 9,000 feet in the South to 12,000 feet in Colorado. The most characteristic trees are the western yellow pine, west pine and Chihuahua pine in the South, and the mountain pine, black pine, hemlock and tamarack in the North. The most characteristic tree of the hot deserts of Arizona and New Mexico is the giant cactus (*Cereus giganteus*). In the mountains western yellow pine (*Pinus ponderosa*) flourishes. In the northern section the sagebrush is represented by *Artemisia*, *Atriplex*, *Eurotina* and *Bigelovia*. Throughout the region the rivers are lined with cottonwood, balsam, poplar and willows. The western slopes of the Sierra Nevada and the California Coast, exposed to the beneficent moisture-laden winds of the Pacific, present a region of arboreal magnificence. Twelve distinct varieties of conifers prevail, arranged in family groups on

the slopes of the mountains—the *Sequoia gigantea* or evergreen redwood being the monarch of all vegetable creation. The largest noted tree is 325 feet high with a girth of 90 feet, others that have been felled measured 400 and 425 feet. There also flourish the Australian Eucalyptus, the redwood, the Douglas spruce and giant cedar. Further north, clothing the Cascade Mountains of Oregon and Washington, the forests are of still greater extent and reach down to the coast. Douglas spruce, the sugar pine, Western hemlock and giant cedar reach their fullest development.

The animal life of this immense region includes elk, deer, antelope, bighorn sheep, Rocky Mountain goat, black and cinnamon bears, wild cat, red and gray wolves, coyote, fox, raccoon, opossum, skunk, beaver, hare, marmot, squirrel and muskrat. Reptiles are numerous—lizards of all sizes and colors, the “Gila monster,” large tortoises, horned frogs, centipedes and tarantulas. Game birds and birds of prey are numerous.

In Alaska vegetable life on the mainland and islands includes spruce, hemlock, balsam, fir, yellow cedar, birches, poplar and alder. These clothe the coast region and the mountains up to 2,000 feet. In the north vegetation is very meagre, consisting of dwarf willows and spruce. Of animal life there are caribou, and polar, grizzly, black and the huge Kodiak and glacial bears. Sheep and

goats live on the southeastern mountains. Wolves, sledge dogs, Arctic fox, weasels, wolverines, mink and sea otter are widely distributed. In marine mammals are whales of several kinds, walrus, sea lions and hair and fur seals.

The flora of Hawaii includes Asiatic, Australian and American varieties. As might be expected from its isolation, of the 900 species of flowering plants, 600 are peculiar to the islands. Forestry is under the control of a Board of Agriculture and Forestry, and there are 400,000 acres in forest preserves. There are very few indigenous animals, save a species of lizard. There are many characteristic birds.

The plant life of the Philippines includes 60 species of hardwood trees. The cocoa palm and bamboo grow everywhere. The banyan is plentiful and cinnamon, clove and pepper flourish. There are 1,200 species of wild plants, the most valuable of which is the Manila hemp (*Musa textilis*). Apitong, guijo, molave and yacal are the most prized of timber trees.

Of animals there are the carabao, or water buffalo, which is used as a draft animal, the wild buffalo, deer, goats, hogs, a native pony, civet cats, a wild cat and the binturon Jungle fowl, hornbill, fruit pigeon, snipe, and a swift, whose nests are eaten for food. Fish are plentiful, also crocodiles and snakes.

Geology.

The paleozoic rocks, variously known as Laurentian, Huronian or Archean, the oldest known rocks on the earth's surface, which form the eastern half of Canada, extend into the United States and form the basin of the Great Lakes, the valley of the St. Lawrence, all of New England and the Appalachian Mountain System, down to Alabama. These consist of hard crystalline gneisses, schists and quartzites. They sweep around Lake Michigan from Wisconsin and form the upper part of the States of Indiana and Ohio where they are met by a large area of carboniferous, or red sandstone, of the secondary epoch, which form the States of Ohio, West Pennsylvania, West Virginia and run down into Alabama. This great deposit of carboniferous rocks, lying like an island in a paleozoic sea, does not end here, for, running in a northeasterly direction across the lower half of Illinois, its lower edge crosses the Mississippi at the junction of the Ohio River, then it spreads like a fan both to the northwest and southwest, extending from Iowa to the boundary of Mexico and as far west as the centre of Kansas. These carboniferous measures contain the great coal deposits of the United States and are of vast economic value. There is an isolated outcrop of the same formation in the centre of Michigan and other outcrops appear along the southern and western shores of Lake Superior.

These sandstone formations are generally coterminous with the outlines of the primordial sea that once filled the Mississippi valley and when the land slowly emerged from the waters, the dense forests of the carboniferous area that were the origin of the coal deposits came into existence. Time after time these forests were successfully inundated and overlaid with fresh deposits of sand. The sandstones, shales and limestones of the Mesozoic era were laid along the borders of the Appalachian Mountains, on both east and west sides.

In the Mesozoic era also large Triassic, Jurassic and Cretaceous formations were deposited west of the carboniferous measures along the eastern slopes of the Rocky Mountains, and over the great plains where they are covered in places with Tertiary deposits. During these Secondary and Tertiary ages, monstrous lizards and mammoth land animals existed, such as the Brontosaurus, Dinosaur, Pleiosaurus, and later the mammoth and elephant. The bones of these monsters are found in the Tertiary deposits of Wyoming and elsewhere. To this era belong the great coal deposits of the west, and the gravel, sand and clays deposited over thousands of square miles of territory.

The paleozoic rocks of the great plateaux lying between the Rocky Mountains and the Sierra Nevada are largely overlaid with eruptive rocks, great lava formations, testifying to

the volcanic origin of the Rocky Mountains. Great confusion of the different formations prevails in this region. There are layers belonging to formations ranging from Archean and Cambrian epochs to those of the chalk and Tertiary periods. These are found in Colorado, New Mexico, Utah, Idaho, Oregon and Washington. The geysers of Yellowstone Park are a survival of the times of great volcanic energy. The whole region is one of great uplift and the Colorado river is regarded as an evidence of slow elevation continued for uncounted centuries, the river having cut its way deeper and deeper into the rocky crust, as the continental plateau was elevated.

Notwithstanding its immense elevation the enormous tableland of the Rocky Mountains has been subject to great denudation by glacial action. It has been calculated that a thickness of 5,000 feet has been removed over an area of 200,000 square miles.

The Coast Range, or Cascade Mountains, that extend from California to Washington, are characterized chiefly by eozoic and cretaceous formations.

In the Tertiary epoch the Coastal plain from New Jersey through all the Atlantic States southward to Florida, comprising a belt 200 miles in width, forming also the larger part of Florida and extending along the Gulf States west of the Mississippi, and thence beyond the alluvial deposits of that river, covering a belt

of equal width through Louisiana and Texas, to Mexico, is an accumulation of Tertiary and cretaceous beds, mixed with sands, gravels, clays and marls. At this time the Mississippi discharged itself into the sea where it is now joined by the Ohio.

Later still, during the Quaternary period, the alluvial fringe of shore along the Atlantic Coast, the Everglades of Florida and the Gulf Coast from the south of Florida to Mexico, including the low lying valley of the Mississippi, as far north as the confluence of the Ohio, were deposited. The Mojave desert, the valleys of the Sacramento and the San Joaquin, in California, were created during this period, as well as a large deposit of glacial moraines lying west of Lake Superior.

Mineralogy.

The discovery of placer gold in California was the beginning of gold mining in the United States. Placer mines are the detrital deposits of gold-bearing veins washed down by rivers. The gold is worn smooth, and, finding its way through the gravel, on account of its greater specific gravity, is accumulated between the lowest layer of sand and bed rock. The gold is recovered by being washed in sluices. Hydraulic mining, which originated in California in 1852, consists in tearing down deposits of gold-bearing gravel by means of water issuing from a pipe under great pressure. In 1850 the output of gold in California was \$50,000,000. Gold

mining, where the gold exists in gold-bearing veins of quartz, or other rocks, requires special machinery to extract it. The ore has to be mined, crushed by rock breakers, reduced to a fine powder in a stamp mill, and then subjected to the mercury, or cyanide, process, to obtain the gold.

In the production of gold at present, Colorado takes the lead with an average production of \$22,540,000; California, \$16,105,000; Alaska, \$8,700,000; South Dakota, \$6,850,000; Arizona, \$4,500,000. The total annual product for all the States and Territories, \$75,000,000.

In the production of silver, Colorado again takes the lead, its average annual output being over \$7,000,000; Montana, \$6,500,000; Utah, over \$6,000,000. The total average annual output is \$30,000,000.

In copper the United States controls the markets of the world. The richest mines are the Calumet and Heckla of Michigan, the Copper Queen and United Verde, the Anaconda of Montana and the mines of Arizona, California and Utah. The average annual production is about \$100,000,000.

The area of the coal fields of the United States including those of Alaska is 300,000 square miles. Anthracite coal is confined to the middle eastern portion of Pennsylvania, which produces about 75,000,000 tons per annum, which at \$2 a ton equals \$150,000,000. It is estimated that the supply will last another hundred

years at the present rate of consumption. Bituminous coal is mined in Pennsylvania, in Illinois, Ohio, West Virginia, Maryland, and a half dozen other States, the annual output being 300,000,000 tons which at \$1.50 a ton equals \$450,000,000. There is enough bituminous coal to last several hundred years to come.

Iron follows coal in importance. The average output of iron in the United States is as follows:

Red Hematite, mostly Lake Superior ore, contains 70 per cent. iron, 30,000,000 tons.

Brown Hematite, mostly mined in Virginia, contains 59 per cent. iron, 4,000,000 tons.

Magnetite of Pennsylvania and New Jersey, contains 72 per cent. iron, 2,250,000 tons.

Carbonate, 40 per cent. iron, 60,000 tons.

In the Mesaba Range in Minnesota, the ore is so near the surface that it can be mined by steam shovels. The development of this region has been greatly stimulated by water transportation of the ore on the Great Lakes.

Lead is largely produced from the silver mines and in the production of this metal the United States takes the first place. Idaho, Colorado, Utah and the mines of the Mississippi valley in the order named produce the bulk of the lead mined, the average annual production being about \$25,000,000.

The United States produces half of

the world's output of aluminum, the average annual value being \$2,000,000.

The production of zinc is limited chiefly to the lead mining region of the Mississippi valley, the average annual production being about 250,000 tons.

Salt is produced in Michigan, New York, Kansas, Ohio, California, Louisiana and Utah. The average annual output is worth \$7,000,000.

The average annual value of phosphate rock mined in all States is about \$8,000,000.

The United States is second in the production of petroleum oil. The average annual production is 150,000,000 barrels.

The precious stones found in the United States are the sapphire deposits of Montana, the turquoise deposits of Alabama, Arizona, California and New Mexico, the tourmaline deposits of Connecticut and Maine, and the garnets of North Carolina, Connecticut, Arizona and New Mexico. Beryls, agates and quartz crystals are also found in Arizona and New Mexico.

In general mining products, asphaltum, gilsonite, peat, slate, graphite, borax, talc, asbestos, mica, soap stones and manganese ore are found in abundance. Antimony, tin, nickel, sulphur, gems and precious stones in general are imported.

The coast ranges of Alaska and the archipelagoes are of granite. The Peninsula of Alaska on the Aleutian

chain of islands, and hills bordering the Behring Sea are mainly volcanic. Some volcanoes are even at present subject to eruption. A slow upheaval of Alaska and the Behring Sea basin are observable. On the other hand there is evidence of great glaciation. The mountain ranges of the southeastern interior are of granite, overlaid with quartzites, schists, and other metamorphic rocks, that have been violently disturbed by eruptive overflows. They form part of the mineral-bearing ranges of the Rocky Mountains.

Gold mining may be regarded as a special industry of Alaska. Placers were first discovered on Douglas Island where gold is mined continuously. The great Klondike gold district on the Canadian border was discovered in 1885, which awakened the whole world to the riches of Alaska. Since then rich placers have been discovered at Forty Mile Creek, Birch Creek, Nome and Cape York on Behring Sea, Fairbanks, Circle City, Tanana River Valley, etc. Silver ore, coal, copper, tin, platinum, and petroleum, have been discovered.

The Philippine Islands are of volcanic origin. There are twelve active volcanoes in the group. Limestone occurs in Luzon, and some of the islands have a covering of coral and limestone. Gold exists in several islands, also coal, iron, and copper. The mineral possibilities of these islands are very great.

THE AMERICAN INDIANS, THEIR ORIGIN, HABITATS, PHYSICAL AND RACIAL CHARACTERISTICS, ETC.*

Language and culture — Linguistic stocks — North American stocks — Central and South American stocks — Original habitats — Language and writing — Religion — Amusements — Arts and inventions — Position of woman — Government — Trade and commerce — Education — Physical characteristics — Authorities.

Columbus, when he discovered America, believed he had reached a part of Asia, or of India, and in a letter of February, 1493, wrote of "the *Indians* [in Spanish, *Indios*] I have with me." Thus the aborigines of the New World came to be called "Indians" (French *Indiens*, German *Indianer*, etc.), or, to avoid confusion with the natives of India, "American Indians," for which rather cumbrous term the word "Amerinds," susceptible of many modifications by means of prefix and suffix, and easily adaptable to the exigencies of modern European and other civilized languages, has been suggested by an eminent American lexicographer and is used more or less by a number of anthropologists and other writers. The word "American," originally applied to the Indians, is still somewhat in use, and Dr. D. G. Brinton styled his comprehensive sketch published in 1891, *The American Race*; but its employment to designate the white population of the continent seems to bar its ethnological application to the aborigines

without some qualifying term. By some writers the Indians are called the "Red Race," and, more popularly, "Redskins" (in French *Peaux-Rouges*, in German *Rothhäute*), or "Redmen," terms of no exact somatic significance. A few American, and many European, ethnologists continue to separate the peoples who created the civilizations of Mexico, Central America, Peru, etc., from the Indians, while others exclude the Eskimo, and others, again, the "Mound-Builders." But somatic, cultural, and linguistic evidence justifies the conclusions of Powell and Brinton in using the term "American Indians" to include not only the aborigines now existing, or known to have existed since the discovery, but also all the pre-Columbian peoples of America concerning whom we have little data — the most divergent are no more than sub-varieties of American man. This unity is the great ethnic phenomenon of American aboriginal history. The study of Indian languages, archæological remains, arts, and industries, games, social and religious institutions, mythology and folk-lore indicates a general

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psychic unity, while the somatic diversities do not transcend those observable in the other great races of mankind. Whether one investigates, as McGee has so admirably done, the Seri of the Gulf of California, who represent about the lowest type of savage culture on the North American continent, or the Mayas of Yucatan, whose approach to a phonetic system of writing touches the high-water mark of Amerindian achievement, one receives the same impression: that it is a question not of very recent civilized or semi-barbaric intruders from Asia or from Europe, but of a race (whatever their remoter origins may be) who have dwelt for ages in an American environment, which has shaped them into the peoples met with by the whites at the time of the Columbian discovery. The limited effect of the "discovery" of the Norsemen may be held to discount any "discoveries" by Europeans before them; while, on the other hand, the American-Asiatic contact revealed by the investigations of the Jesup North Pacific expedition is as much American as Asiatic, and the "Bering Sea" culture is a local phenomenon no more fundamentally indigenous to the Old World than to the New. The arguments in favor of a trans-Pacific Malayo-Polynesian influence upon primitive America are no stronger than those that can be adduced to support the contrary opinion. The culture of the "Mound-Builders" does not in any way tran-

scend the possibilities of what the American Indian was and is yet capable of, nor is it necessary to assume the presence of foreign culture-elements to explain the civilizations of Mexico, Yucatan, Colombia, and Peru. Since very primitive times America has been essentially the "ethnic island" of Brinton, Keane, and other investigators. The impress of America has been upon the aborigines so long that physically, socially, linguistically they have been "Americanized" in so marked a fashion that their right to be considered one of the "races" of mankind is not to be dismissed without cause. To group them merely as a branch of the Mongolian, or, again, of the Malay "race," is to obscure many points of great importance in the pre-history of America or to ignore them altogether. The American Indian is in too many respects a modified (and anciently so) variety of mankind to be thought of as expressing in any serious degree the type of the Mongolian or the Malay.

Language and Culture.

The ethnic isolation of the American race has already been noticed. The apparent independence of the culture-centres of North and South America is another interesting fact. With the exception of a few possible traces of the presence of tribes of Arawak lineage in ancient Florida and the spread of art-*motifs* of the Caribbean type over a portion of the

adjacent Gulf region, no direct evidence of the influence of South America upon North American culture is forthcoming. The independent origin of Mexican and Peruvian civilizations seems certain, and convincing proofs of the community of origin of Peruvian and Chibchan and even of Mexican and Mayan are lacking. The possibility of inter-cultural relations having once existed is, however, not to be denied. The Pacific coast, from the Gulf of California to the Argentine and Chile, has been a nursery of culture just as the Mediterranean area was for the Eurafrikan peoples. There has been a Mexico and a "greater Mexico," a Peru and a "greater Peru," while the Mayas and the Chibchas have also had their extensive spheres of influence. To the Pueblo culture north of Mexico corresponds the Calchaqui culture south of Peru. On the northern borders of Mexico still lie the savage Seri and Yaqui, and the culture-areas of Colombia and Peru have also their primitive frontagers—and this was so in the time of the ancient Montezumas and the Incas. This juxtaposition of civilization and savagery is one of the characteristic facts of American ethnology, as it was once likewise of the history of the Mediterranean area in the Old World. In both areas we meet with a large number of peoples who rose above savagery, but, for some reason or other, failed to develop high stages of culture. That the more material evi-

dences of civilization should be so confined to the Pacific coast is, to some writers, a significant fact suggestive of Asiatic relations; but the intellectual power of such Atlantic peoples as the Iroquois and some of the Muskhogean tribes of North America, and the moderate but distinct progress made by a few of the Brazilian tribes of the Atlantic area, relieve us from any such theory, environment, and historical incident in America quite sufficing to account for the phenomena involved. Certain other resemblances and contrasts in the various aspects of aboriginal culture in America merit attention here. At the extreme north of the continent, one stock, the Eskimo, with closely related forms of speech, kindred mythology, and folklore, similar customs and social institutions, etc., extends in a narrow line from east to west, even overflowing into Asia, while at the extreme south (much less extensive) the Fuegians, numbering altogether less than 10,000, are divided into three distinct linguistic stocks (Yahgans, Onas, Alikulufs). Eastern and northern North America, and the corresponding regions in South America, are areas of wide distributions of single stocks. The Pacific Coast of America, as compared with the Atlantic, is a place where, in diverse spots, languages seem to pullulate. This region (including the narrow limits of Mexico and Central America) contained probably more independent tongues

than all the rest of the continent. Indeed, within the present bounds of the State of California alone twenty-two such tongues are found, with several others in Nevada, and in Prof. Cyrus Thomas' list of the stocks of Mexico and Central America, made in 1902, nearly thirty are recognized.

The multiplicity of languages in primitive America has called forth explanatory theories of various sorts, among them Horatio Hale's suggestion of the origin of linguistic diversity through the spontaneous language activity of the child. As Gatschet has noted, the very existence of such a multitude of tongues all over America is proof that neither in ancient nor in later times has this continent been the scene, on a vast scale, of the suppression and extermination of peoples one by the other, which have been characteristic features of Old World history. In spite of the common belief to the contrary, mutual destruction was probably never so rife as when the coming of the white man introduced new means of warfare, and, crowding the natives for subsistence, led them to attack each other more effectively. The recent studies of Dixon and Kroeber in California have strengthened the view of a certain parallelism of language and culture.

That some culture-elements, however, have spread from tribe to tribe is shown by the distribution of certain inventions discussed by Mason, the northward movement of such

plants as maize, the use of tobacco, the transmission of many themes and incidents of myths and legends (as demonstrated by Boas), the modes of occurrence of certain art-forms, etc. Interminglings, of culture of a more or less local, though often of an extensive, character, have taken place in the Behring Sea area, in the Columbia River region, in the habitat of the Pueblo Indians of New Mexico and Arizona, in the southeastern part of the United States, in the Isthmian region of Central America, in Ecuador, in the Pampean country of the Argentine, etc.—larger and more significant intermixtures have, perhaps, taken place in earlier times in Mexico, the Mayan country, Colombia, and Peru. A number of the borrowed culture-elements may be explained as the result of trade and commerce, by means of which useful or artistic objects, food, plants, etc., were easily conveyed long distances under primitive conditions. The widespread custom of adoption would also account for not a few instances of alien culture-grafts. So, too, with the exogamic marriage, when the women are culture-bearers. Where language-mixture has taken place, it is more or less easily detectable in most American Indian stocks and tongues. When families of the same stock possess, in the one case (Algonkian) dialects which differ as much as Micmac and Blackfoot, in the other (Iroquoian) as much as Cherokee and Mohawk, we are justi-

fied in looking for culture-differences as well in such widely separated peoples. Doubtless the results of careful somatological, sociological, and other investigations of the various tribes of American aborigines will furnish us ultimately with diverse ways of classifying them. At present, however, the most serviceable classification is a linguistic one, the result of the labors of Major J. W. Powell and the Bureau of American Ethnology, supplemented by the work of Dr. D. G. Brinton.

Linguistic Stocks.

The Bureau of American Ethnology has issued the Powell map showing the extent of the fifty-eight linguistic stocks north of the Mexican boundary line; that is, of families or forms of speech, so independent of one another as to be catalogued as distinct stocks; apparently no more closely related than the Aryan and the Semitic families of the Old World. For South America no such authoritative map is extant. The exact number of such linguistic stocks in America has not yet been determined with certainty, but the following lists probably represents the best view of the matter to-day:

1. Adaisan (Louisiana)
2. Algonkian (northeast North America)
3. Alikulufan (Tierra del Fuego)
4. Andequian (Colombia)
5. Arawakan (northwest Brazil)
6. Araucanian or Aucan (Chile)
7. Arawakan (Central and N. E. South America)
8. Atacamefian (S. Bolivia)

9. Athapascan (N. W. Canada, etc.)
10. Attacapan (Louisiana)
11. Aymaran (S. Peru, N. Bolivia)
12. Barbacoan (S. Colombia)
13. Beothukan Newfoundland)
14. Betyuan (Colombia-Venezuela)
15. Caddoan (Texas)
16. Calchaquian or Catamarefian (N. Bolivia)

17. Canichanan or Canisnian (N. Bolivia)
18. Carajan (S. Brazil)
19. Cariban (N. E. South America)
20. Cayubaban (N. Bolivia)
21. Charruan (N. E. Argentine)
22. Chetimachan (Louisiana)
23. Chiapanecan (Central America)
24. Chibchan (Colombia and Isthmian region)
25. Chimakuan (Washington)
26. Chimarikan (California)
27. Chinantecan (Oaxaca, Mexico)
28. Chinookan (Washington)
29. Chiquitan (N. Bolivia)
30. Chococoan (N. W. Colombia and Isthmus)
31. Chumashan (California)
32. Churoyan (Colombia-Venezuela)
33. Coahuiltecán (Mexico-Texas, mouth of Rio Grande)
34. Coconucan (S. Colombia)
35. Copehan (California)
36. Costanoan (California)
37. Cunan (Isthmus of Panama)
38. Dorascan or Changuinan (Panama and Nicaragua)
39. Eskimoan (Northern fringe of North America)
40. Eselenian (California)
41. Guahiban (Venezuela)
42. Guaraunian (Venezuela)
43. Guaycuruan (Gran Chaco, Paraguay-Bolivia)
44. Huavean (Isthmus of Tehuantepec)
45. Iroquoian (Ontario-Erie region, with offshoot in S. E. United States)
46. Itonaman (Bolivia)
47. Jivaroan (Peru, Ecuador)
48. Kalapooian (Oregon)
49. Karankawan (Texas)
50. Kechuan or Quechuan (Peru)
51. Keresan (New Mexico, Pueblos)
52. Kiowan (Nebraska-Wyoming)
53. Kitunahan (S. E. British Columbia, N. Idaho)
54. Koloschan (Alaska)
55. Kulapanan (California)
56. Kusan (Oregon)
57. Laman (Peru)
58. Lencan (Central America)
59. Lulean (Gran Chaco)
60. Lutunian (Oregon)
61. Mainan (Ecuador, N. W. Brazil)
62. Mariposan (California)
63. Matacoan (Gran Chaco)
64. Matagalpan (Nicaragua)
65. Mayan (Yucatan, Chiapas, Guatemala, etc.)
66. Mocoan (Colombia)
67. Moquelumnian (California)
68. Mosatefian (Bolivia)
69. Moviman (Bolivia)
70. Muskhogean (S. E. United States)
71. Natchezan (Louisiana)
72. Onan (Tierra del Fuego)
73. Otomian (Central Mexico)
74. Otomacan (Venezuela-Colombia)
75. Palaihnihan (California)
76. Paniquitan (Colombia)
77. Panoan (Peru)
78. Payaguan (Gran Chaco)
79. Payan (Honduras)
80. Peban (Peru)
81. Piman (S. Arizona, N. W. Mexico)
82. Piaroan (Colombia-Venezuela)
83. Puinayan (Colombia-Venezuela)
84. Pujunan (California)
85. Puquinan (Peru)
86. Quoratan (California)
87. Salivan (Colombia-Venezuela)
88. Salinan (California)
89. Salishan (British Columbia, etc., to the south)
90. Samucuan (S. Bolivia)
91. Sastean (California)
92. Serian (N. W. Mexico)
93. Shapshapian (Oregon-Idaho)
94. Shoshonean or Uto-Artecan
95. Siouan (Carolinas and Missouri Valley)
96. Skittagetan (Q. Charlotte Ia.)
97. Subtiaban (Nicaragua)
98. Tacanan (Bolivia)
99. Takilman (Oregon)
100. Tafoan (New Mexico, Pueblos)
101. Tapuyan (S. Central Brazil)
102. Tarascan (Michoacan, Mexico)
103. Tequistlatecan (Oaxaca, Mexico)
104. Ticunan (N. W. Brazil)
105. Timotean (Venezuela)
106. Timuquanan (Florida)
107. Tonikan (Louisiana-Mississippi)
108. Tonkawan (N. W. Texas)
109. Totonan (Vera Cruz, Mexico)
110. Tsimshian (British Columbia)
111. Tsonekan (Patagonia)
112. Tupian (E. Central Brazil)
113. Uchean (Georgia)
114. Ulvan (Nicaragua)
115. Wailatpuan (Oregon)
116. Wakaahan or Kwakiutl-Nootka (British Columbia)
117. Washoan (Nevada-California)
118. Weitspekan (California)
119. Wishoekan (California)
120. Xicaquean (Honduras)
121. Xincan (Guatemala)
122. Yahganian (Tierra del Fuego)
123. Yakonan (Oregon)
124. Yanan (California)
125. Yaruran (Venezuela)
126. Yukian (California)
127. Yuman (Lower California, Arizona)

- | | |
|------------------------------|-------------------------------|
| 128. Yucan (Peru) | 131. Zapotecan (S. E. Mexico) |
| 129. Yurucarean (Bolivia) | 132. Zoquean (S. E. Mexico) |
| 130. Zaporcan (N. W. Brazil) | 133. Zúñian (New Mexico) |

Of the stocks enumerated, fifty-one belong to South America and fifty-six to North America north of Mexico. The status of investigation is such that the number assigned to South America is approximate only, and may ultimately be considerably increased or reduced. Some stocks, like the Adaizan, Beothukan (exterminated by whites), Chetimachan, and a few of the minor stocks in South America, are extinct or nearly so. A goodly number—including, for example, many of the stocks on the northwest Pacific Coast, the Texas-Louisiana country, parts of Central America and the Pacific region of South America—were or are of limited area; others, like the Eskimoan, Athapascan, Algonkian, Siouan, Shoshonean, Arawakan, Cariban, Tupian, etc., are noteworthy by reason of the extent of their domain. Some, like the Kootenay, consist of practically a single language, while others, like the Algonkian, Siouan, Athapascan, Salishan, Aztec, Mayan, Arawakan, Tupian, Cariban, etc., have developed numerous dialects, sometimes only remotely resembling the mother-tongue. Doubtless, with the perfection of linguistic research, some changes will be made in the list of stocks, or perhaps a method of groups may be devised in which stocks showing certain resemblances other than those of a lexical

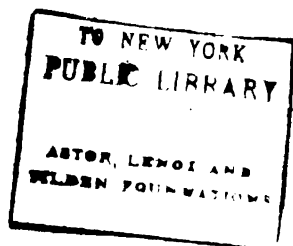
nature may be classed together. The studies of Dixon and Kroeber indicate the possibility of this for the numerous Californian stocks, and a similar result may be predicted for certain other regions of the continent. As said, all the American Indian stocks are far from being of the same significance, many of them having hardly any historical importance. A few words about some of the most typical and most important must suffice here.

North American Stocks.

The Eskimoan stock is noteworthy by reason of being the first of all the aboriginal peoples of America to be visited by representatives of European culture—the Norsemen in the Tenth century, etc. It is also the only primitive people who, unaided by civilized races, occupy a portion of both hemispheres, for the Eskimo stretch from Labrador to a considerable distance within the borders of northeastern Asia. They illustrate the victory of man over a difficult environment, for they are a merry and sociable people in spite of the inclement and depressing character of their arctic surroundings. They have also a marked sense of humor, as the institution of the nithsong, or settlement of disputes by public judgment of the comparative merits of the two parties in competitive singing, would indicate—the themes of the singing being the dispute and sarcasm at the expense of the opponent. The Eskimo



A GROUP OF UTE INDIANS.



are also very skilful carvers and engravers of ivory, their spirited drawings of animals, etc., resembling in marked fashion the similar art-products of prehistoric man of the French river-drift, a likeness which has induced some authorities (Dawkins, De Mortillet) to assume a racial connection between these two peoples. Mason has recently suggested that these drawings owe a good deal to the contact with Europeans (introduction of iron tools, etc.), but Boas considers that their close resemblance to the bark and rock pictographs of the Indians forbids the conclusion that these drawings are of other than native origin. The unity of language, and (to a considerable degree) of custom, mythology, etc., among the various Eskimo tribes is remarkable when one remembers the extent of their distribution. The use of the Eskimo dog with the sledge, the kayak, the harpoon, the snow-house (iglu), and the invention of many mechanical devices, show them to be gifted with native intelligence.

The Athapascan stock is notable for the contrasts in culture and diversities of culture-capacity presented by its members. Some of the Athapascan peoples of northwestern Canada and Alaska are among the lowest types of American man, and a few of them have hardly yet come to knowledge of the white man, the advent of the fur-trader being, according to J. M. Bell, a matter of the last few years in part of their domain.

To this stock belong also the Apaches, once the terror of the civilization of the Southwest, whose depredations, in earlier times, disturbed the peace of the native civilization of Old Mexico. It is fair to say, however, of them that individual Apaches (Dr. Montezuma, for example) show good capacity for adopting the chief elements of white American culture. Several small tribes of Athapascans are scattered through Washington, Oregon, and California, the most noteworthy being the Hupa, on Trinity River, the "Romans of California," as they have been called. The Navaho, who have assimilated to a considerable extent the culture of the whites, were good agriculturists before the coming of the Spaniards, from whom they adopted the sheep, a fact which modified their environment and their response to it. The contrast between the rude tribes of the "Barren Grounds" of Canada and the Navaho of New Mexico and Arizona is, as Horatio Hale pointed out, one of the most remarkable instances of culture-change by process of environmental variation on record. The loan-word *Klondike* comes from an Athapascan dialect.

The Algonkian stock, members of which were found from Labrador to South Carolina, and from the confluence of the Ohio and Mississippi northwesterly to the foot of the Rocky Mountains and the borders of the domain of the Athapascans, are of interest for many reasons. The great

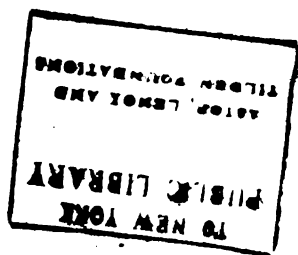
area over which they are spread has brought members of this stock into contact with many other Indian peoples—the Naskopi, Crees, and northern Ojibwa with the Eskimo; the Micmacs with the Eskimo and Beothuk; the Ojibwa and related tribes of New England, New York, and Pennsylvania, the Lenâpé of New Jersey, the Nanticokes, Powhatans, etc., of Maryland, Virginia, and the Carolinas with the Iroquois (who, both north and south, form an *enclave* in the Algonkian territory); the western Ojibwa, etc., with the Siouan tribes in the upper Mississippi region, and in the southern Mississippi country the Illinois and kindred peoples with the Caddoan and other stocks; the Blackfoot in the extreme northwest of the Algonkian area with the Athapascan Sarcees and the Kootenay. The aberrant Cheyennes and Arapaho (recently studied by Kroeber) belong to the Algonkian stock. Another evidence of the importance of this stock is the fact that many other stocks and tribes are known to us by names of Algonkian origin: *Eskimo*, *Athapascan*, *Siouan*, and possibly also *Iroquoian* and *Musk-hogean*; *Chipwyan*, *Assiniboin*, *Mohawk*, etc. Of all the Indian stocks of North America none have made a greater impression upon the whites (French and English) than the Algonkian. This is seen when we remember that Powhatan and Pocahontas, King Philip, Pontiac, Tecumseh, Black Hawk, etc., the Indians who have ap-

pealed most to our historians, novelists, and dramatists, have all been of Algonkian lineage.

The Iroquoian stocks are famous through the confederacy of the “Five (afterward Six) Nations” and the great “League of the Iroquois” (so sympathetically studied by Morgan). Their physical characteristics at the time of the war of 1861–5 were such that they exceeded the recruits of all other races (white included) in points of excellences demanded by military requirements. The high position occupied by woman among the Iroquois lifts them above many of their Amerindian kindred. The story of the Iroquoian statesman of the Sixteenth century, Hiawatha, and his founding of the League that was to end all war and unite all the nations in one lasting bond of peace is a historical fact, which Longfellow’s confusion of the Iroquoian patriot with the Algonkian demi-god Manabozho cannot altogether obscure. In political and social organization the Iroquoian tribes attained a position that was largely *sui generis*. The tale of their long struggle to preserve their independence against the whites will be found in Morgan and Parkman, while the Jesuit Relations contain their reaction to the efforts of the missionaries to convert them to the Christian faith, as well as the account of the fratricidal strife resulting in the extermination of the Hurons. The fame of the Iroquoian tribes (for example, Mohawks) as



THE SNAKE DANCE OF THE MOKI INDIANS



fierce warriors has caused the general public to neglect them in other respects. Through the researches of Horatio Hale and others it has been shown that the Cherokee of the Carolinas (so well investigated by Mooney) belong to the Iroquoian stock, together with several minor tribes in the south Atlantic region. This stock has produced a number of eminent men: Hiawatha, Red Jacket, Joseph Brant, and Dr. Oronhyatekha, the head of the Independent Order of Foresters, J. N. B. Hewitt, of the Bureau of American Ethnology at Washington, etc. Sequoyah, the half-blood Cherokee, who invented the alphabet now in use by his people, deserves mention here likewise. As compared with the prominent part played by them in the French-English and colonial wars, and in the Revolutionary War, War of 1812, etc., the Iroquoian people left little impression upon the culture and the speech of the English in America. In both New York and Ontario, where considerable numbers of Iroquois still live, with no immediate danger of dying out, but particularly in the latter province on the Grand River Reserve, the pagan and Christianized Iroquois have existed side by side in the same community for so long a time as to make this phenomenon, the details of which have been pointed out by David Boyle, of great value to sociologists.

The Muskogean stock (Choctaws, Chickasaws, Creeks, Seminoles, etc.) as their subsequent career in the

"Civilized Nations" of the Indian Territory with the Cherokee has shown, are among the most gifted intellectually of the aborigines of America. Gatschet notes as characteristic of this stock: Their color-symbolism for peace and war, their totemic system, the use of the "black drink," the doctrine of the "Master of Life," sun-worship, mound-building (some regard this stock as having been one of the so-called "Mound-Builders"), the ceremony of the *busk*, etc. This stock has had many intertribal wars, and the Creeks and particularly the Seminoles of Florida are famous for their contests with the whites.

The Siouan stock (Crows, Mandans, Assiniboin, Hidatsa, Sioux, Winnebago, Omaha, Tutelos, Catambas, Biloxi, etc.) are noteworthy by reason of their migration from the Atlantic slope in the region of the Carolinas to the trans-Mississippian and Missouri country, where their culture was conditioned by the presence of the buffalo and the adoption (from the whites) of the horse. Their wars with the surrounding tribes, particularly the Algonkian, and their subsequent numerous collisions with the whites (Minnesota massacre of 1862, the troubles in which Sitting Bull figured, etc.), are matter of history. The use of buffalo-skins made it possible for some of the Sioux tribes to develop pictography to a high degree. The researches of J. Owen Dorsey and Miss Alice

Fletcher have shown the Omaha in particular to be gifted with a religious consciousness of a marked character, reflected in their name-giving and the ceremonies associated with the passage from childhood to manhood, in which individuality is much emphasized. That their capacity for producing men of ability is not confined to those of the primitive type (Sitting Bull) is indicated by the way in which individual members of this stock (Dr. Eastman, La Flesche, the collaborator of Dorsey, etc.) have responded to the stimuli of modern culture. The Dakotan federation is well remembered by the names of the twin States of the Northwest; Minnesota, Nebraska, etc., are terms of Siouan origin; while the minor place-nomenclature of the northwestern States contains a multitude of names from the same source.

The Shahaptian stock is noteworthy on account of the Nez Percés and the famous chief Joseph, one of the most remarkable Indians of any age, whose "retreat" in 1877 has been compared to the celebrated march of the Ten Thousand of old.

The "Pueblos" Indians, as they are called from their village life, have risen in New Mexico and Arizona above the stage of savagery into a state of semi-civilization, representing the triumph of man over the adverse conditions of the desert and the inroads of fierce enemies of the lowest culture. Their relations to the so-called "Cliff-Dwellers" has been the

subject of some ethnological speculation. The diversity of culture among the Pueblos is not as great as that of speech. Besides the Moqui or Hopi, who belong to the Shoshonian stock, there are found in the Pueblos group three other distinct linguistic stocks, — Keresan, Tañóan and Zuñian. The Pueblos culture has apparently been developed independently in several local centres, and the studies of Bandelier, Hodge, Fewkes, Cushing, etc., have thrown much light on the origins and interrelations of stages of culture largely the reflex of environment.

The Shoshonean or Uto-Aztecan stock offers the most wonderful contrasts in its members of any Amerindian stock. Linguistic and other evidence appears to justify the conclusion that not only certain peoples of the Sonoran country (Cahitas, Coras, Tepehuanas, etc.), some of whom achieved a sort of half civilization in contact with their more cultured neighbors, but the Bannacks, Shoshones, and Utes (even the wretched "Root-diggers") are kith and kin with the ancient Aztecs upon whose civilization Cortés intruded, and the tribes of Nahuatl lineage who carried that culture more or less from central Mexico to beyond Lake Nicaragua. The change from the low type represented by the Utes to the high type of the old Mexicans may have been due in large measure to environment. Intermediate stages are represented by some of the

Sonoran tribes. The Moqui group of the Pueblos Indians belong also to the Shoshonean stock.

The Mayan stock (Cakchiquels, Huastecs, Tzotzils, Kekchis, Quiché, Tzendals, Mayas, etc.), creators of the civilization destroyed by the Spaniards in Central America, left, besides graven monuments in large numbers, other evidences of their having invented a system of "writing," which is the nearest approach by any of the aboriginal peoples of America to a phonetic method of record—the solution of the Mayan hieroglyphics is perhaps *the* question of American archæology. Their calendar-system, nagualism in religion, and the important rôle of woman in religious and social functions, deserve especial notice. The explorations of the Peabody Museum (Cambridge) have resulted in many new discoveries.

Central and South American Stocks.

The Chibchan stock, whose culture varied from that of the savage Aroacos of the mountains of Sta Marta to the civilization of the country about Bogota, represents a rise from barbarism independent of that to the south in Peru, etc. There is some reason to believe that the "gold-culture" of the Chiriqui country and allied remains in the same region to the borders of Nicaragua may be due to the Chibchan stock—the Talamanca, Guaymi, and a few other dialects of Costa Rica, etc., show affinities with Chibchan tongues.

Their use and working of gold were of a high order, but neither in architecture nor in pictography could they compare with the Peruvians, the Mexicans, and the Mayas. They had a characteristic hero-legend of Bochica, and a tale of the great flood. The shrine of Lake Guatavita was a famous religious resort. Some of the famous "El Dorados" were in their territory. The Quechuan stock, which is best known through the civilization of the Incas, superimposed upon an older, widespread culture, represents but one phase of higher human activity in the Peruvian area. The extension of Quechuan language especially von Tschudi and Brinton agree in attributing not to the military achievements of this people, which antedated the coming of the Spaniards by only a few centuries, but to intellectual and culture influences millenniums old. The marks of their language can be traced from near the equator on the north to the Pampean tribes on the south. Common in the Peruvian area seems to have been a highly developed agriculture (stimulated, as in the southwestern United States, by the necessity for irrigation and artificial treatment of the soil)—maize, tobacco, potatoes, cotton, etc., the breeding of the llama and the paco, the making of pottery (useful and artistic), metal-working of a fine and ingenious sort, stone architecture more massive and imposing than artistically beautiful, or of the highest order as regards decorative art. The

Inca form of government was never probably so far removed from the system common to most of the American stocks as some writers have believed. The Incasic conquest has caused the Peruvians to be styled the "Romans of America," but the analogy is misleading. Beyond the use of picture-writing and the employment of the quipu (knotted colored strings) for purposes of record, the Peruvians had not advanced, and the semi-phonetic system, like that of the Mayas, was not developed by them. Ancestor-worship and sun-worship (state religion) were professed by the Peruvians, but the most far-sighted of their thinkers touched almost upon monotheism. The hero-god of the Peruvians was the sea-born Viracocha, about whom centred a rich and imaginative mythology. The mixture of races in the production of ancient Peruvian culture is indicated by the diversity of cranial type among the skulls from the old burial grounds and mummy-caves. North of the Quechuas, on the coast about Trujillo, were the Yunca-Chimus, etc., whose civilization is represented by the ruins of Gran Chimu and other remains in the valley of Trujillo, which preceded the period of Inca domination. Southeast of the Quechuan culture was that of the Aymaras on the Andean table-lands. To them are usually assigned the ruins of Tiahuanaco, near Lake Titicaca, which in their completeness were probably the most imposing

structures raised by the hand of aboriginal man in America—in architecture they differ in several notable ways from the buildings of Inca origin. Dr. Uhle has very recently sought to show the "succession of cultures" at Pachacamac, Trujillo, and their relations to that of Tiahuanaco.

In the northern part of the Argentine Republic (Province of Jujuy, etc.) the architectural and archæological remains brought to light by recent investigators (Ambrosetti in particular) indicate the presence of a "civilization"—village life in a desert environment, offering striking analogies to the culture of the Pueblos Indians of Arizona and New Mexico. This Calchaqui culture is evidently much more than the mere reflex of Quechuan-Aymaran conquest which it was formerly considered to be. Its origin and growth, however, remain to be clearly demonstrated.

The Araucanian stock, whose language has been studied by Lenz, are famous for their long resistance to the Spanish arms (the story of the "conquest" has been written in the last few years by Guevara), part of which gave rise to De Ercilla's epic of *La Araucana*. To the Araucanian stock belong tribes on both sides of the Chilean Andes and a number of the nomadic peoples of the Pampas; where they seem to be intruders rather than aborigines. Chilean Spanish has borrowed many expressive terms from Araucanian.

The Patagonians, Tzonek, or Tehuelche, famous since the time of Pigafetta as "giants" (many of them exceed six feet and some are said to reach seven). To them belongs the "Setebos" of Shakespeare's *Tempest*.

The Tapuyan stock of Brazil is looked upon by some authorities as the oldest people of the continent—some would affiliate with them the Fuegians, in this respect—representing a race once inhabiting a great part of South America. The man of the caves of Lagoa Santa and the man of the remarkable *sambaquis* or shell-heaps of the Brazilian coast are by many authorities considered to have related to the Tapuyans. Characteristic modern Tapuyans are the Boto-cudos, so called from the labret they wear in the lower lip. According to Ehrenreich, some of these ancient men of Brazil show affinities with prehistoric man of eastern Europe.

The Tupian stock (or Tupi-Guaranis, as they are also called), whose language was much used by the missionaries for general intercourse with the natives and is the basis of the *língua geral*, or "common language" of the region of the Amazons, were perhaps the highest in culture of the Brazilian tribes, having the elements of agriculture, village life, pottery (well developed and rather artistic), urn-burial, etc., but nothing beyond the Stone Age. Intermixture with both whites and negroes has taken place in the Tupi area, and the rich

and imaginative tales of animals, etc., belonging to Tupi mythology have thus been given a wider extension, while negro and white influences have made themselves felt, both on the language and the literature of these people. According to Hartt, the Tupi language has influenced the Portuguese of Brazil quite as much as has the latter the former.

The Cariban stock were long famous for their cannibalism (the word *cannibal* is a corruption of one of their ethnic names), real and attributive, and their skill in making and using canoes. The shaman, or medicine-man, had great power among them, and they practised the curious and remarkable custom of the *couvade*. Rock-inscriptions and pile-dwellings are found in their territory. Some of them have been reduced to sad straits by the contact of the whites, but some of the Venezuelan tribes of this stock are still good, typical representatives of the American Indian.

The Arawakan stock, through its representatives (the Bahamian Lucayans, the natives of Haiti, Porto Rico, Cuba, etc.), was the first of the aboriginal peoples of the New World (exclusive of Greenland and Labrador) to come into contact with the white race, and likewise the first to come under its devastating influence. Many of the tribes of this stock were of a mild and gentle disposition, good agriculturalists, pottery-makers, workers in stone, wood and gold, and

excellent canoe-men (the word canoe comes from an Arawak dialect). They were users of cotton, and to them we owe the first Indian invention adopted by the whites (*hammock*, both name and thing are Arawak). From the Arawaks, too, the Spaniards first learned the use of tobacco. Like the Caribs they practiced the *couvade*. The name of the stock is said to mean "flour-eaters," on account of their use of cassava, which has also passed over to the whites.

Original Habitats.

The question of the original habitats of the important aboriginal stocks is one of the most interesting in American ethnology and archæology. The researches of Rink and Boas in particular seem to have demonstrated that the primitive home of the Eskimo was in the region west of Hudson Bay, whence they spread northward and westward to Alaska, etc., and eastward (north and south) to the Arctic islands, Greenland, and Labrador.

The earliest habitat of the Athapascans was in northwestern Canada, to the westward of the home of the Eskimo. From there they migrated over the lake country, across the Rockies to the southward, leaving colonies along the Pacific to northern California, and sending out, through Arizona and New Mexico to the borders of the Nahuatl territory, the important branches of the Apaches and

Navaho—the raids of the Apaches often reaching far into Mexico.

The original habitat of the Algonkian stock was, as Brinton and Hale have assumed, "somewhere north of the St. Lawrence and east of Lake Ontario," while that of the Iroquoian lay "between the lower St. Lawrence and Hudson Bay." The final result of the migrations and wars of these two stocks was to leave the Iroquois of the Ontario-Erie country entirely surrounded by Algonkian tribes. From their primitive home the Algonkian sent out numerous branches west, south, southwest, etc., making the extent of territory covered by them very large, and bringing them into immediate contact with many other Indian tribes and with the white settlers over a vast area. The Iroquois (in the Cherokee and the kindred tribes of the south) had branches, which were so separated from their northern kin as to be long taken for non-Iroquoian peoples.

The Muskogean stock, according to Gatschet, have been from time immemorial inhabitants of the country between the Appalachian Mountains, the Atlantic, the Gulf of Mexico, and the Mississippi. The scene of their earliest development was in the neighborhood of the Mississippi, or possibly even beyond it.

The chief migrations of the Cad-doan (Pawnee) peoples have taken place in historical times northward and southward from the Platte River, from which region they expelled in

part the Siouan tribes, etc. If their own traditions are reliable, their primitive home lay farther to the south, on the Red River of Louisiana.

The primitive home of the Siouan stock (characteristic Plains Indians since the introduction of the horse) was eastward in the region of the Carolinas. This fact has been revealed by the study of the Tutelo and Catawba languages belonging to this eastern area, and by inspection of the traditions of the various Siouan tribes. The main bodies of Siouan migrants followed the Ohio and the Missouri far to the north and west; the Mandans, Assiniboin, etc., reaching to within the borders of Canada. Other minor bodies traveled to the southwest, their representatives still existing in the Biloxi, etc., of southeastern Mississippi. The Siouan tribes seem to have followed the buffalo in its retreat westward, and their migration from the Carolinas is of considerable sociological interest. At one time their trans-Mississippian habitat included practically all the territory between the Arkansas and the Saskatchewan from the great river to mid-Montana, with the Winnebagoes jutting out on Lake Michigan. Their forays and trade-excursions led some of them from time to time across the Rocky Mountains.

The original habitat of the Shoshonean or Uto-Aztecan stock, which embraces the Ute, the Sonoran, and the Aztecan (Nahuatl) peoples, and has representatives from the north of

Idaho to the Isthmus of Panama, was probably somewhere in the north-western section of the United States. The primitive home of the Shoshonean section was "somewhere between the Rocky Mountains and the Great Lakes," and the traditions of the other two branches bring them from the far north, as compared with their present southern abode.

The Mayan stock, creators of the civilization of Central America, according to their own traditions, came from somewhere to the north—the position of the Huastecan branch of this stock north of Vera Cruz suggests that the Mayan emigrants from the home-land skirted along the Gulf of Mexico from some region considerably to the north.

The Arawakan stock (including the natives of the Bahamas and the Antilles, except the intrusive Caribs) had an extension in South America comparable only to that of the Algonkians and Athapascans in the northern half of the continent—from the high Paraguay to the Goajiran peninsula in Venezuela, and in its greatest expansion from the Xingù to the Amazon and Orinoco. Its primitive habitat was in some part of the Brazilian interior, probably between the Xingù and the Paraguay, the general trend of their migrations having been northward. The Cariban stock, another very extensive people, who at the time of the Colombian discovery were to be found in the smaller West Indian islands, and the northern part

of the continent from the Essiquibo in Guiana to about the Isthmus of Panama, came originally, as the presence of the Carib Bakairi on the Xingù indicates, from the high interior of Brazil, at the sources of the Xingù and Tapajos.

The Tupian stock was widely extended at the time of the discovery along the Atlantic coast region from the La Plata to the Amazon, with branches scattered along the Paraguay and the Madeira to the foot of the Andes. Their primitive home, Brinton, with reason, assumes to have been in the central highland country to the east of Bolivia. The general direction of the earliest migrations of this stock was therefore southward (down the Paraguay to the Atlantic), after which the Tupi branch followed the coast to the Amazon. The Tapuyan stock, which once occupied the region between the Xingù and the Atlantic coast (from the latter they have been driven by the Tupis), are probably the oldest human residents of part of this area, their tenure of the seacoast reaching far back into prehistoric times.

The Chibchan stock, to which was due the civilization of the Bogota region of Colombia, had their original habitat in the Andean highlands of central or southern Colombia, whence they wandered northwest into the Isthmus of Panama and north-eastward up the Magdalena.

The Quechuan stock, authors of the most remarkable of South American

civilizations, according to their own traditions, spread from very small beginnings in the country about Lake Titicaca; but von Tschudi and Brinton, for linguistic reasons chiefly, find the primitive home of this people to have been in the extreme northwest of their characteristic area. The Aymara stock, which some authorities consider to have been a branch of, or perhaps an older member of the Quechuan, had its original habitat to the southeast of the latter. The relation of the Aymaran stock to that which produced the Calchaqui civilization of the northern Argentine is not clear.

Language and Writing.

Although the languages of the American aborigines constitute so many independent families of speech, the vocabularies of which are entirely divergent one from another, nearly all (if not all) of them possess certain general grammatical characteristics which justify us in classing them together as one great group of human tongues. Brinton enumerates as points of resemblance: Development of pronominal forms, fondness for generic particles and for verbs over nouns, and incorporation—the inclusion of subject or object (or both) in the verb, etc. Most American Indian tongues may be called “holophrastic,” from the practice of compressing a whole “sentence” into a “word,” the length of which is sometimes very remarkable. As

an example may be cited the Micmac Algonkian) *yāleoolemāktāwepokwōse*, "I am walking about carrying a beautiful black umbrella over my head." This word, according to Rand, is derived from *pokwōsōn*, "an umbrella;" *māktāwāe*, "I am black;" *wolāe*, "I am beautiful;" *yāleā*, "I walk about." From the Kootenay language may be cited: *Nātltlāmkinē*, "he carries the head in his hand" (*n*, verbal particle; *ātl*, "to carry;" *tlām*, composition form of *āaktlām*, "head;" *kin*, "to do anything with the hand;" *inē*, verbal); *hinūpqanāp-inē*, "thou seest me" (*hin*, "thou," subject pronoun); *ūpqa*, "to see;" *āp*, "me" (object pronoun); *inē*, (verbal). As typical incorporative languages the Iroquoian and Eskimo may serve. All the incorporative forms of speech in America do not, however, proceed upon identical lines; and some that do incorporate, like Kootenay and Eskimo, often have one or more cases. According to Dixon and Kroeber, many Californian languages do not possess the feature of incorporation at all (such are, for example, Maidu, Pomo, Yuki, etc.). As types of incorporating languages less complete than Iroquoian, we have Kootenay, Siouan, Aztecan. Some of the Central and South American tongues seem also to have little incorporation. Otomi and Maya appear to be evolving in somewhat the same direction as modern English, away from incorporation and grammatical

plethora. Many of the Amerindian tongues are both prefix and suffix languages; others prefer prefixes, others, again, suffixes. Some possess, and some do not, a plural form for nouns; a dual; gender-distinction in pronouns; a high development of demonstratives; reduplication; syntactical cases, etc. A few possess grammatical gender and some exhibit differences in the words used by men and women. In the matter of phonetics the languages of the American aborigines are remarkably divergent, some being extremely harsh, guttural and consonantic, others equally smooth, soft, and vocalic. The absence of certain consonant sounds and the equivalence of certain vowels and consonants characterize some forms of American speech. Euphonic changes are of major or minor importance. Sentence-construction differs greatly in various tongues. The position of the adjective is not always the same. The Haida language has even a distinction like that between our *shall* and *will*. Careful investigation of the many Indian languages, as yet studied imperfectly, if at all, may reveal other interesting linguistic phenomena. How much has been written about them, and in some of the languages of primitive America, may be seen from the bibliographies of Pilling! Our knowledge of them varies from a brief vocabulary of the Esselenian to the exhaustive dictionary of Yahgan compiled by Bridges.

The native literature runs from the unrecorded tales of the northernmost Athapascans to the poetry of the ancient Mexicans and Peruvians, some of which has been handed down from pre-Columbian times. The only actually phonetic (syllabic) alphabet now in use among the Indians (except the syllabaries introduced by missionaries among the Athapascans, Crees, etc.), is post-Columbian — the invention of a half-blood Cherokee. A sort of alphabet has, however, sprung up more recently among the Winnebagos. The development of picture-writing varied very much among the numerous tribes, as may be seen from Mallory's classic study of the subject. Sometimes, as is the case with the Kootenays, ability to draw does not seem to have been accompanied by exuberant pictography. The Walum Olum of the Delawares, the "calendars" of the Kiowa, Sioux, Pima, etc., are special developments of primitive records, the highest form of which is seen in the manuscripts ("books") of the Aztecs and Mayas of a religio-historical character. The pictographic records of the Ojibwa "medicine men" have been studied by Hoffman, and the rite-literature of the Cherokee by James Mooney. The native literature of primitive America has been the subject of special monographs by Dr. D. G. Brinton. The Spanish-American countries have furnished several writers and investigators of Indian descent.

Religion.

The mythology and religion of the American Indians have received particular treatment at the hands of Müller, Brinton, Powell, etc. Perhaps the most general myth of importance is that of the divine hero, teacher, and civilizer, who after accomplishing his labors, leaves the earth, promising to return at some future time. This myth is found in Mexico (Quetzalcoatl), Yucatan (Kukulkan), Colombia (Bochica), northeast North America (Manabozho, Gluskap, etc.). Somewhat analogous is the myth of the twin reformers of the primitive world among the Pueblo Indians, Navahos, etc. The Iroquoian stock have the myth of the contest of the good and the bad mind. The Algonkians have a myth-cycle of the rabbit, the tribes of the northwest Pacific coast one of the raven and thunderbird, the Rocky Mountain peoples one of the coyote, the Brazilian Indians one of the jaguar, etc. Some of the tribes are very rich in animal myths and, as Mr. Mooney asserts, the characteristic tales of "an 'Uncle Remus' nature" found among the Cherokee and other peoples have not, as many suppose, been borrowed from the negroes of the South. Even the famous "tar-baby" tales have their independent Amerindian analogues. Flood-legends are wide-spread in America and vary from the simple, locally colored stories of rude Athapascans to the elaborate conceptions of the civilized peoples of Mexico,

Central America, etc. The cardinal points and the number four have developed with many tribes a rich symbolism, with which the chief colors are often connected.

The "medicine men" of the Ojibwa, the Cherokee, the Apache, have been investigated by Hoffman, Mooney, and Bourke, and a large amount of accurate and authentic information concerning shamanism among the Amerindian peoples has been accumulated. The power of the "medicine man" varies much from tribe to tribe—with some he is a personage of little or no importance; with others he is the controlling influence in secular as well as in religious affairs. The acme of such influence is found among some of the tribes of Guiana and Brazil. These "medicine men" often had their secret societies and "lodges" into which chosen neophytes were admitted with appropriate ceremonies. They had also, with many tribes, the control of the rites to which the youth were subjected at the time of puberty, with others they performed such marriage ceremonies as existed. Besides these shamans, there were "prophets" and religious reformers, especially since contact with the whites. The widespread "Ghost Dance," in its more recent outbreaks, has been studied in detail by Mooney. Worthy of note is also the "new religion" of the Iroquois, and the "Shaker" religion of the Indians of Puget Sound. The investigations

among the Pawnee by Miss Fletcher and G. A. Dorsey have demonstrated the existence of a relatively high form of primitive religion in a rather unexpected quarter—their worship of the morning star in connection with agriculture was, however, at one time accompanied by human sacrifice. The mortuary rites of the American Indians, corresponding to diverse ideas of the soul and its future in the other world, varied from simple neglect of the corpse to what is represented in material form by some of the mounds of the Mississippi Valley and the stone tombs of Peru. The mortuary customs of the aborigines of North America have been made the subject of a special monograph by Dr. Yarrow, and the doctrine of "animism" among the South American peoples has been treated at length by Koch. The contemplation of the *totem* (properly Ojibwa *ododema*)—tribal or family mark—of certain Algonkian tribes has given rise to theories of "totemism," concerning which there is much dispute in the world of science. "Fetishism," as exemplified in the *Zuñis*, has been investigated with some detail by Cushing. Cannibalism (the word *cannibal* is the corrupted form of a South American tribal name) has been rarer in America than is generally believed. Outside of its occurrence through necessity in ways known to civilized peoples, it was chiefly partial and ceremonial. Epicurean cannibalism flourished along the coast of South

America and on some of the Caribbean islands; ritual cannibalism among certain tribes of the northwest Pacific coast, in ancient Mexico, etc. The almost extinct Tonkaways of Texas have the reputation of being the "last of the cannibals," while the Attacapas owe their name to this practice attributed to them by their neighbors. In the legends of the Cree and Ojibwa tribes of the Algonkian stock, a cannibal giant (wendigo) figures, and a horror of human flesh eating is expressed at the present time, whatever may have been the case in the past. From the condition of human bones and other remains in the shell-heaps of various parts of the coast, some authorities have come to the conclusion that cannibalism did exist in prehistoric ages among some of the Indian tribes. Religious ideas approximating to monotheism are attributed by some chroniclers and investigators to some of the more enlightened aboriginal rulers of Mexico and Peru.⁴ In these regions of the continent, as also in Central America, architecture and the arts of commemoration and record were at the service of religion.

Amusements.

The games of the American aborigines, some of which, like lacrosse, have passed over to their conquerors, are of sociological and religious significance in many instances. Stewart Culin has made a special study of the games of the North American In-

dians, and rejects the theory favored by Tylor and others, that many of them (for example, Mexican *patolli*), are imports from Asia. The games of the civilized Aztecs seem to be but "higher developments of those of the wilder tribes," and those of the Eskimo are modifications of games found among other aboriginal peoples of America. Among characteristic Amerindian games may be mentioned: The gambling game with sticks, the hoop-and-pole game, the ball-race of the southwestern United States, the ball-games of eastern North America, the woman's game of double ball, foot-races, the snow-snake, etc. Culin holds that back of every game lurks "a ceremony in which the game was once a significant part." The variations in games do not follow linguistic lines. One centre whence games have radiated and where some of their oldest forms are still to be found, is in the southwestern United States, from which their migrations can be traced north, northeast, east, and south. Interesting modifications arise from conditions of environment.

Arts and Inventions.

The arts and inventions of the American Indians correspond to the extent and variety of their environment. The mass of the inhabitants of the continent at the time of its discovery were hunters and fishers, or agriculturists of the Stone Age, most of whom had some knowledge of pottery-making. The house followed the

lines of climate and culture, from the snow *iglu* of the Eskimo and the rude *wickiup* of the Utes to communal houses of the Mohegans, the Iroquian "long-house," phalansteries of the Pueblan and Central American areas, and the stone dwellings of a more or less pretentious sort of the civilized peoples of Mexico, Central America, and Peru. The cavate lodges and cliff dwellings of Arizona and New Mexico, the wooden (sometimes underground) houses of the northwest Pacific coast, the skin-tents of the plains tribes and the wigwams of the Algonkians, the earth-lodges of the Mandans, etc., correspond to environmental stimuli. A like variation may be seen in the cradles of the American aborigines, studied by Mason, and in their means of transport on the water—kayaks, "bull-boats," woodskins and balsas, dug-outs, canoes of pine and birch bark, large and small, and of all varieties of design and finish. In North America the Algonkians and Iroquois, and in South America the Indians of the great Brazilian water-ways, have made themselves celebrated for their skill in navigation. So too has the Eskimo with his kayak and the Peruvian with his balsa. The Algonkian Etchemins are literally "the canoe-men." The seagoing canoes of the fishing tribes of the coast of Alaska and British Columbia also deserve mention. On land some of the American Indian tribes have used the dog (Eskimo in particular) and the sled

(the Algonkian toboggan, adopted by the whites for amusement purposes, is a special form), while in Peru the llama has been employed for ages for "packing," but not for draft purposes. The use of the horse and the modifications of primitive culture thereby induced in the Indians of the plains of the Missouri-Mississippi valley, the llanos of Venezuela, the pampas of the Argentine, etc., are, of course, post-Columbian. So, too, the influence of sheep culture upon the Navaho and their primitive industries, and of the cow among certain South American tribes. The only animals domesticated by the Indians whose use amounted to a considerable factor in their social and religious life were the dog and the llama, the latter in Peru and Bolivia only. The other half-domesticated animals and birds are of little importance as culture elements. The domesticated dogs of pre-Columbian America represent several diverse species of *Canidæ*. The absence of such domesticated animals as the cow, the horse, the sheep, etc., in pre-Columbian America accounts for certain limitations of its culture as compared with that of the Old World. Pets, however, bird and beast, were very common, especially in Brazil and Guiana. The disappearance of the wild buffalo and other animals of the chase, since the coming of the whites, has been fateful for some tribes—the contact with the latter as represented by the various "fur companies," etc., has caused

many changes in the life of the aborigines, seldom for the better.

As Mason has pointed out, the Amerindian traps and other devices for the capture of wild animals indicate intellectual skill and marvelous adaptation to the habits and actions of these creatures. The Eskimo harpoon and its appurtenances, the simple and composite bow, the arrow-poisons of some North American and many South American peoples, the manufactures of obsidian and jade in ancient Mexico, cotton weaving and dyeing in the more southern regions, maguey-paper making in Mexico and Central America, stone carving (from Mexico to the Argentine), feather-work (in the southern United States, Mexico, Central America, and parts of South America), gold working (in the Isthmian region, Colombia, etc.), the hammocks of the Venezuelan tribes, the fish-poisoning devices of many peoples of South America in particular, the fine pottery of many regions of the continent, the *quipus* or knotted record-strings of the ancient Peruvians, the primitive drum-telephone of certain Brazilian Indians, the blow-gun (southeast United States and South America), cassava preparation (northern South America), the bolas of the Pampean tribes, etc., represent the diversity of invention and manufacturing skill among the American aborigines. The lamp of the Eskimo and some of the Indian tribes of northwestern North America is *sui generis* (its import-

ance has been emphasized by Hough). Methods of computing time, season, etc., vary from the slanting stick of the Algonkian Naskopi to the elaborate calendar systems of Mexico and Central America. Of musical instruments, the drum, the flute, the pan-pipe, and the "musical bow" were known to the American Indians. Songs and dances to the accompaniment of these were in vogue. Practically all stages of primitive culture were to be found in pre-Columbian America, if we may judge from the tribes now surviving, from the savage Seris to the ancient Mexicans, Mayas, and Peruvians. Moreover, within the bounds of the same linguistic stock, as noted above, there may be found tribes representing a high and a low stage of development; as for example, the Aztecs and the Utes of the Shoshonean stock, the Dogribs and the Navahos of the Athapascan, etc. Some tribes were pre-eminently fishers, other hunters. Many excelled in both, like the Eskimo and some of the peoples of the northwest Pacific Coast. Some sort of agriculture was widespread in America — the cultivation of corn, beans, varieties of pumpkin and squash, etc., was known all over eastern North America, and the regions of the southwest, etc.; and typical tropical and semi-tropical and other plants and fruits (potato, tomato, maize, pineapple, tobacco, varieties of cotton, manioc, sweet-potato, cacao, coca, etc.) were cultivated in the more southern regions of

Mexico, Central and South America. The spread of tobacco and maize in North America and of certain other plants in Central and South America indicates agricultural receptiveness on the part of the many tribes concerned. The capacity of the American Indians generally for agriculture has been underrated probably, as both the desert-born cultivation of the Pueblos Indians and the tropically stimulated cultivation of the Indians of South America indicate. The arid regions of the Peruvian coast offer another example of considerably developed agriculture. In America the utilization of the gifts of earth varied from the seed picking and root digging of the Utes to the market gardens and chinampas of ancient Mexico. How the necessities of agriculture can shape a religious system may be seen from the rites and ceremonies of the Pueblos Indians, the cult of "mother corn," etc. With some tribes tobacco was more or less of a sacred plant, also the mescal.

Position of Women.

The relation of women to agriculture gave them a higher standing in certain tribes than would otherwise have been the case. With the Iroquois the position of women was very high and to them was allotted a considerable share in the government, peace negotiations, etc., and female chiefs were by no means unknown — women were the "mothers of the nation." Among the Mayan peoples of Central

America woman's position was also high. Many of the priests were women, and they were also commonly the leaders of their tribes in rebellion against the Spaniards — the most famous was Maria Candelaria, "the American Joan of Arc," who led the insurgent Tzendals in the Eighteenth century. In ancient Mexico and Peru the position of woman was perhaps not quite so high. Among some tribes the position of woman was very low, and her sexual peculiarities added to the disesteem in which she was held, as for example, among the Tacanan Araunas of Bolivia. The Athapaskan tribes vary much in their treatment of woman — with some she is little better than a slave or servant, while with at least one Alaskan people of this stock female chiefs existed at times. The "purification" of women at the period of their menses, and the segregation of girls at the time of puberty, were accompanied with many rites and ceremonies among various tribes, from the rude Athapascans to the civilized Aztecs. The curious custom of the *couvade* (imitative child-bed on the part of the husband) prevailed among many Venezuelan, Guianian, and Brazilian peoples. The relations between environment and the share of the sexes in culture has been investigated by Mason; according to whom the zenith of virile Amerindian art is reached in Peru, while in Colombia we find woman as farmer, weaver, and potter. In the Oregon-

California region one art, basket-making, reaches its acme of development in the hands of woman. A large female influence in religion is noticeable among the Pueblos Indians. Among some tribes, for example, the Hurons, the weregild for killing a woman was greater than that for a man. Some sort of matriarchal system, with maternal descent, prevailed very commonly in pre-Columbian America; among certain of the Koloschan Indians, for example, a man was considered to be in no sense related to his father, his sole parent being the mother. Besides this extreme form, numerous other varieties occur among the tribes now existing, the system in vogue among the Iroquois, etc., being more complicated and adapted to social needs. The systems of marriage known to the American Indians varied from the absence of any particular rite or ceremony to selection of the wife by the old women of the tribe, as among the Hurons, or the uniting of the couple by the "medicine men." Some of the tribes of the Brazilian forests, ranking very low in culture, are strictly monogamous; while peoples of higher civilization, like the Chibchans, Mexicans, Peruvians, etc., were polygamous or concubinate, or both. Marriage by purchase was found over a large area of America; but here as in other parts of the globe, the "money" received was often rather a compensation to the parents for the loss of their daughter than a

real sale of her to a suitor. Divorce, in many forms, is known to the primitive Americans, both by mere word of the husband and according to set forms and rites. Consanguineous marriages were strictly avoided by many tribes; but among a few, such as some of the lowest Athapascans, incest was not condemned. In the matter of the sex-relations, as in many other fields, the American Indians exhibit almost all possible phases from the monogamic chastity of some of the lowest peoples to the unnatural indulgences of the Peruvians. Runaway matches and marriages for love, in spite of the contrary opinion entertained by some authorities, have been by no means uncommon throughout the continent. Suicide on account of unsuccessful wooing by both sexes is also not at all rare. Some peoples, too, have developed love-songs of a romantic order, for example, the *yaraveys* of the Quechuas.

Government.

The systems of government of the American Indians and their tribal organizations range from the simple democracy of the Kootenays and some of the Brazilian Indians to the elaborate state institutions of the ancient Mexicans and Peruvians, which in several respects resembled the corresponding institutions of mediæval Europe or the ancient classic world. The power of the chief, however, seems everywhere to have

had limitations, and some tribes distinguished the permanent peace chief and the temporary war-chief. Chiefs were generally elected, either from the body of the tribe or from certain specified families. "Totemism" and secret societies are not found to any extent, if at all, among certain tribes (the Kootenay, for example); while with many of the peoples of the north-west Pacific Coast they are perhaps the chief feature of aboriginal society, as Boas has recently shown. Property rights are represented in many stages, from the semi-anarchic Eskimo to the Aztecs of Old Mexico and other peoples of Central and South America. Slavery existed among many tribes, and on the north-west Pacific Coast a sort of traffic in human chattels had arisen.

Trade and Commerce.

Within the spheres of the culture-centres of Mexico, Central America, Peru, etc., trade and commerce were well developed. The Columbia River region was the scene of a less developed trade; while the southeastern United States, the region of the Great Lakes and country west and south of them, had also their important distributing points. The region of Bering Strait was likewise an Asiatic-American commercial centre.

Education.

With the lower tribes generally, such education as was imparted to the children was given by the father

to the boys and by the mother to the girls. Peoples like the Iroquois, the Siouan Omahas, etc., used the instruction of tales, legends, and proverbs. The ancient Aztecs and some of the other semi-civilized peoples of Mexico and Central America had schools for boys and others for girls, in which the duties proper to each sex were taught under the supervision of the priests.

Physical Characteristics.

The physical characteristics of the aborigines of America mingle uniformity with diversity. The skin color, popularly styled "red" or "copper," is designated by Mantegazza, "burnt coffee," and by Brinton "brown of various shades, with an undertone of red." This but varies from rather dark to rather light. Among the lighter tribes have been reckoned the Koloschan Tlinkit, the Bolivian Yurucari, etc., and among the darker the Charmas of the Gran Chaco, the Bolivian Canisianas, and a few other tribes of South and Central America. The hair is generally termed "black," but, as Brinton notes, there is in it "a faint under-color of red," which shows up more in childhood and seems much more prominent with certain tribes than with others. Red hair is known among American Indians, but in some cases (certain South American tribes, for example), its occurrence may be due to infusion of white blood. The eyes of the Indians are, with rare exceptions, dark brown. The stature

varies from rather low to rather high, represented on the one hand by some of the shorter Brazilian tribes and on the other by the Patagonian "giants." Among the peoples presenting many individuals of tall stature, may be mentioned the Yumas and Pimas, some of the Muskhogean tribes, some of the Crees, Ojibwa and eastern Algonkians, Pawnees, Iroquois, Siouans, Huaveans, Ramas, some of the Cariban tribes, Yurucari, Cayubabas, Guaycuruans, Patagonians, etc. So far as is known no dwarfish people comparable to the dwarf races of the Old World existed in America, although the skeletons from certain Peruvian tombs prove the existence of a dwarfish element in the general population; and the stature of many individuals among certain Brazilian tribes is so low as to induce some authorities, with Kollmann, to predicate the former existence of a dwarf race. In the relations of trunk and limbs and in the relation of one limb to another many variations occur among the Indians, due to occupation (canoeing, etc. — and, since the advent of the whites, horse-riding). In primitive America all the chief forms of skull (often with artificial flattening, etc.) are found. Among the dolicho-cephalic (long-headed) peoples are the Eskimo and Iroquois generally, some of the Muskhogean tribes, Otomis, Aymaras (partly), Tapuyas, and Tupis (largely), etc. Of the brachycephalic (broad-headed) may be mentioned

the Araucanians, Caribs, Arawaks, Patagonians, Mayas, many of the tribes of the Pacific Coast region of North America, etc. The civilized peoples of Mexico, Central America, and Peru appear to have been of stature below the average and of varied skull form tending to brachycephalic, indicating mixtures of types. In the Columbia River region type-mingling is indicated also by both stature and skull-form. The Peruvian region is another centre of race-mixture, as evidenced by skull-form. The oldest skulls discovered in prehistoric burial-places or in geological *situ* are not distinct from the American types — the latest found, the "Lansing skull," is quite Indian. The skull capacity of the Indian is below that of the white in general, but many exceptions occur. The brains of the less cultured Indian peoples (Fuegians, Eskimo), show no decided anatomical inferiority to those of civilized Europeans. Great varieties of build and set of body are found among the American Indians, from the half-starved Fuegians to the well-fed and corpulent Iroquois. Small feet and hands are very common. Among many tribes in various parts of the continent handsome men and women of considerable beauty are to be found. In the case of women an admixture of white blood often enhances their beauty.

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THE INDIANS PAST AND PRESENT AND THEIR INFLUENCE UPON THE DEVELOPMENT OF EUROPEAN CIVIL- IZATION IN THE UNITED STATES.

Antiquity of man and of human civilization in the United States—Indigenous origin of American Indian culture—Variety in Indian culture in the United States—Effect of the presence and distribution of the Indians upon the general course of European history and civilization in the United States—Influence of the Indians upon language—Fishing and hunting—Agriculture and agricultural processes—Foods—Storage, preservation of foods, etc.—Medicine, *materia medica*, etc.—Clothing, furniture, ornament, etc.—Games, recreations, etc.—The Indian as a subject and an inspiration in literature, art, etc.—Race-mixture and the future of the Indian.

History has very often been made the mere chronicle and description of kings and their wars; the deeds and achievements of the multitudes of common men and women, who have continued, even *inter arma*, industriously and successfully to pursue the arts of peace, upon which the evolution and the perpetuity of human civilization primarily depend, being commonly passed over with but scant recognition. This is particularly true when, as is the case in the New World, the story to be told is that of the contact of ethnic stocks, and the subjection and partial extermination of a "lower" by a so-called "higher" race. In recording the history of America, up to the present time, too much attention has been given to the physical conflicts between the white man and the red man, and far too little to the consideration of the peaceful epochs and those cordial relations subsisting not infrequently between the Europeans in different parts of the country and many of the Indian tribes, which have resulted in

the former borrowing from the latter numerous minor culture-elements besides others of momentous importance. Of course, among the fifty or sixty distinct linguistic stocks existing in the United States and Canada (a dozen or more are now completely or practically extinct) at the time of the coming of the Europeans, the great majority may be left out of consideration here, since the Indians speaking their languages did not exert, or have not hitherto exerted, any appreciable influence upon the current of American history, or upon the life, activities, institutions, ideas or ideals of the white men who now possess the land. But the rôle of such peoples as compose the Algonkian and Iroquoian stocks has been significant in stimulating, and, to some extent at least, in shaping the development of European culture in North America.

The writer of this article,* therefore, who for many years has made a special study of the problems in-

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volved, will deal only with the normal activities and social and economic life, etc., of the pre-Columbian aborigines of the United States (and certain parts of Canada) and their descendants, particularly with regard to their influence upon the civilization of their European supplanters. There is, perhaps, sufficient material of a reliable character now extant to justify a preface of this nature to a history of the United States and those other sections of North America necessarily belonging with it.

For anthropological, ethnological, philological and other details concerning the aborigines, for which, obviously, no place can be found here, the reader may be referred to the author's monograph on the North American Indians in the last (eleventh) edition of the *Encyclopædia Britannica*.

Antiquity of Man and of Human Civilization in the United States, Etc.

As Professor W. H. Holmes has pointed out,* speculation as to the origin of the American Indians began with the general acceptance of the view of their comparatively recent derivation from some part of the Old World (e. g. from Asia, by way of Behring Straits), and this theory led sometimes to quite fantastic and impossible assumptions of the settlement or colonization of the New World by Egyptians, Carthaginians,

the "Lost Ten Tribes," Hindus, Chinese, Japanese, Malayo-Polynesians, to say nothing of later European nations. A good criticism of the "Lost Ten Tribes" theory will be found in Colonel Mallery's essay *Israelite and Indian* (1889). Even now the "Jewish rites," "Welsh Indians," and other "finds" of this period have not altogether disappeared from works on American history and ethnology. The next stage of thought with regard to the question was, that "the course of primitive history had been about the same in both continents," after which came the present, somewhat reserved attitude, "tending to hold final determinations in abeyance." Evidence of the enormous antiquity of man, such as is presented by his remains and the proofs of his activities in pre-historic Europe, is certainly not present in those portions of North America with which we are immediately concerned here. Although not many caves have been thoroughly explored as yet, the conclusion is probably that nothing like the "cave period" of man's existence in Europe, with its successive stages of material and artistic development, will ever be reported from this part of the New World. No ancient "civilization" equalling in extent and in complexity, or in intellectual achievements, those of Mexico, Central and South America, ever flourished north of the Rio Grande. Taken at their highest point, the cultures of

* *Handbook of American Indians*, pt. I., p. 62.

the Pueblo Indians, past and present, the Cliff-Dwellers, and all other possible occupants of the Southwest in pre-historic times fall far short of this; and all alleged discoveries of "Aztec cities" in the West must be dismissed as altogether fanciful. In pure intellect some of the Iroquoian tribes, among whom arose the great League, may have been the equals of the ancient Mexicans, Mayas, and Peruvians, but the institutions of their culture and the conditions of their progress toward "higher civilization" were of much less account. Nowhere north of the Rio Grande do we meet with anything like the approach to a syllabary or an alphabetic form of writing made by the Aztecs and the Mayas anterior to the Spanish conquest. Maize and tobacco, the two most important of the cultivated plants in pre-Columbian North America, must have been introduced as domesticated plants from the South. The shell, copper and pottery objects of the Southeast (including some of the so-called "Mound-Builders'" products), suggest influence from Mexico, the West Indies, etc.; but all this by way of occasional borrowing, and not as the result of direct colonization on the part of peoples of those regions. It is safe to say, considering the geological data as to topographical changes since his occupation of the country, the development of so great a diversity of languages, and so many local varieties of culture, that man

has inhabited the United States and Canada for thousands of years. But all attempts to fix even an approximate date for his earliest appearance, above all, to establish a chronological scale of his development from "mere savagery" to "higher barbarism," as some term it, have, as yet, failed to make a lasting impression upon the best and most conscientious investigators of the problems involved. The famous "Nampa image," the "Calaveras skull," etc., are no longer looked upon as convincing evidence, and nearly all of the finds, depending for their value upon absolutely accurate geological verifications, fail also in that respect. Nor is the recently discovered "Lansing man" of Kansas any exception to the rule. One needs, as Professor Holmes well says* more unimpeachable evidence to make one believe, as some of the relics exhibited would necessarily imply, that "man in America must have passed through the savage and well into the barbarous stage, while the hypothetical earliest representative of the human race in the Old World, *Pithecanthropus erectus* of Dubois, was still running wild in the forests of Java, a half-regenerate Simian." And this, within the limits of what is now the United States. Some evidence, however, there is (e. g. from the gravels of the Delaware Valley, what is probably the most convincing proof that has yet

* *Handbook of American Indians*, pt. 1. p. 61.

been obtained) for belief in the Glacial antiquity of man in certain regions of North America.

Indigenous Origin of American Indian Culture.

There is now common agreement among the most competent authorities that the culture of the American Indians, past and present, within the borders of the United States, etc., is of indigenous origin, and shows no effects of pre-Columbian influence from Asia or from Europe. In the far Northwest, a local "culture-ring," embracing the Behring Sea region and the coasts of both continents for a certain distance south, has been discovered as a result of the Jesup North Pacific Expedition organized by Dr. Boas, but there it is America that has influenced Asia, and not notably *vice versa*. In Greenland, of course, the ancient Norsemen exerted some little influence upon the Eskimo, but only for a time, and, in spite of beliefs to the contrary entertained in certain quarters, there is absolutely no convincing evidence of Norse or any other pre-Columbian European element in the culture of the American Indians of the United States or elsewhere. The latest Norse find, the "Kensington (Minn.) rune-stone," purporting to be the record of an exploring expedition from Vinland in the year 1362, has no more confirmative data behind it than the story of Leif's sojourn in Massachusetts. From the tribes of lowest

culture nothing in support of such views can be obtained, nor is the case at all different when one contemplates the greater material progress made in the Southeast, part of the Mississippi valley (the "Mound-Builders' " country), or the Southwest, the scene of the development of the Pueblos, the Cliff-Dwellers, etc. In no part of the country, likewise, to use the words of so competent an authority as Professor W. H. Holmes, "are there remains of man or his works clearly indicating the presence of peoples distinct from the Indian and the Eskimo, or having culture, markedly different in kind and degree from those characterizing the aborigines of historic times." It was believed at one time by many writers (and some still entertain this erroneous opinion) that the so-called "Mound-Builders" of the Mississippi Valley and the Gulf States were a people of different race and distinctly higher culture than the Indians, by whom they were driven out or exterminated. But careful explorations and scientific examinations of these mounds (burial, earthworks, effigy, building-sites, enclosures), including such structures as the Cahokia Mound (Illinois), the largest of all, the Elephant Mound in Wisconsin, the Etowah Mound in Georgia, the Grave Creek Mound (W. Va.), the Great Serpent Mound, and the works at Fort Ancient and Newark in Ohio,—have revealed nothing justifying such a belief. It is to the credit of the late Professor

Cyrus Thomas to have made it clear that "the mound-builders were the ancestors of the Indians found inhabiting the same region by the first European explorers" and to have called marked attention to the fact, for which there is abundant evidence, that some of these structures were certainly erected in post-Columbian times, as the presence in them of articles of European manufacture of the colonizing epoch and the statements of De Soto and others as to the actual building and use of mounds, etc., in their day prove. Among the mound-building Indians are to be reckoned the Yuchis, Creeks, Chickasaws, Natchez, Quapaw, "Texas," Shawnees, Iroquois of New York, Cherokees (who built at least part of the Ohio mounds), and others. The contents of the mounds, exclusive of intrusive articles derived from the whites, have produced nothing indicating a much higher form of culture or a distinctly different mode of life and human activities of another order from that known to the Indians, past and present, of this area. Some of the shell-work and copper-plates suggest Southern influence (Mexico perhaps), but authorities like Cushing maintained that even these things could be accounted for by the use of methods not beyond the knowledge of the Indians of the region in question. In a word, the "great and unique civilization" of the "Mound-Builders" is a myth, and they resolve themselves into Indian tribes, whose

culture did not transcend in kind or in degree the possibilities of their thoroughly American environment. Their antiquity has also been greatly exaggerated. Professor Thomas is, doubtless, correct in stating that "many of them were built a century or two before the appearance of the whites" and that few competent archæologists are inclined to date any of them before the beginning of the Christian era. The evidence derived from the examination of the extensive shell-heaps of Florida, according to Wyman and Moore, indicate a minimum antiquity of perhaps a thousand years; Ellis Landing shell-mound in San Francisco Bay in California is assigned by N. C. Nelson a probable age of from 3,000 to 4,000 years, about the period given by Dall for the earliest remains represented by the middens of the Aleutian Islands, but in none of these cases is there any evidence of non-Indian peoples or cultures.

The same thing is true, when we come to consider the Pueblos Indians, Cliff-Dwellers, etc., of the Southwest, concerning whom some otherwise respectable authorities have been misled into romancing a good deal. In the Pueblo country (the term "Pueblo" strictly refers to those Indians "who lived or are living in permanent stone or adobe houses built into compact villages"), we meet with a form of culture, differing in many respects from that found elsewhere, but as thoroughly Indian

as any other, and, as Dr. Fewkes has shown, particularly in his study of the Hopi (Moqui), in remarkable fashion exemplifying the effects of the arid environment in the midst of which it now exists. The ancient domains of these Indians seem to have been much more extensive, and their culture in part of the territory must have closely resembled that of the northern Aztecans, from whom, or by way of whom, certain Mexican-like aspects of Pueblo civilization may be accounted for, if we do not assume a certain unity of the culture of both regions and a possible identity of original stimulus. It is an interesting fact, to be remembered here, that the present population of the Pueblos includes Indians belonging to at least four distinct linguistic stocks—Tanoan, Keresan, Shoshonian, and Zuni. This would, of itself, suggest the development here of a somewhat higher form of culture. A number of the Pueblo-sites has been abandoned since the coming of the Spaniards, but many others long before then. There has evidently been considerable migration in this region in prehistoric times. There has also been evolution from lower to higher forms of culture, but as Professor E. L. Hewett has remarked, "the time-element in this process has been by no means constant." In the Pueblos-culture itself (material products, agriculture, sociology, mythology, religion, etc.) there is nothing that fails of explanation, even in pre-

historic times, by reference to the Indian tribes known to exist or to have existed in this region and the adjoining parts of Mexico. With regard to the Cliff-Dwellers, the best authorities are decidedly of opinion that they are, to a very large extent, the ancestors of the Indian peoples now occupying the Pueblos and of other tribes to the north, west and southwest of them. The cliff-dwellings were not all refuges merely for retreat in times of war and danger, for a considerable number, both from their situation in reference to water and agricultural land, as well as from the nature of the objects found in them, were ordinary and quite natural dwelling-places, suggesting a people engaged in the more peaceful arts of life. The cliff-dwellings are scattered over an area "practically coextensive with that in which are now found traces of the town-building and relics attributable to the Pueblo tribes." The cliff-dwellings consist of the stone-built cliff-houses proper and the "cavate houses" (excavated in the cliffs themselves). Preceding the "cliff-dweller culture" Dr. Fewkes would see a "pit-house culture." Typical cliff-dwellings are the Casa Blanca (in Canyon de Chelly, Arizona) ruins; the "Cliff Palace" and others in the canyon of the Mesa Verde, Colorado, and those in the canyons of Hovenweep, McElmo, and Montezuma, in the same State; and in Utah; the "cavate dwellings" are numerous in various sections of Colo-

rado, New Mexico, and Arizona, particularly on the Rio Grande, San Juan, Rio Verde, etc. In this arid region, in pre-historic times, agriculture was carried on "with the aid of extensive irrigation-canals, reservoirs and dams," the most important of which works occur in the valley of the Gila in southern Arizona. Hundreds of thousands of acres of arid lands were utilized in this way for agricultural and other purposes, and the Pueblos were supplied with plenty of good water. But in all this there is nothing un-Indian, or beyond the capacity of the red race. The population of this region in pre-Columbian times, while not insignificant, has been much exaggerated by some recent writers. Many of the cliff-dwellings were inhabited in rather recent times, as their condition, contents, etc., indicate, and the question of their antiquity is difficult to determine, but of few of them, if of any, can we, on present evidence, speak in terms of "thousands of years," as some authorities have ventured to do. Alleged discoveries of remains of "great cities," etc., in other parts of the United States (and sometimes such remarkable "finds" are even reported from the Canadian Northwest), thought to demonstrate "an immense antiquity" for the civilizations they represent, assumed often to be of very ancient origin on the part of colonists from the Old World, can all be left out of account as errors

of interpretation, hallucinations, or worse.

Variety in Indian Culture in the United States, Etc.

In his interesting essays, *Who are the American Indians?* and *Popular Fallacies concerning the American Indians*, Professor H. W. Henshaw has called attention to a number of misconceptions of the aborigines and their activities and achievements as human beings. Few of them, indeed, could be truthfully designated "mere wandering nomads, with no knowledge of any fixed abodes and no body of culture whatever." Such epithets as stolid and taciturn, improvident, fickle and altogether unreliable, devoid of originality, lacking in the powers of concentration and abstraction, shallow in moral and religious ideas and ideals, etc., cannot be justly applied to them as a whole, and few of these to any at all. The variety in culture among the more than half a hundred linguistic stocks occupying the territory of the United States at the time of the Columbian discovery, is remarkable. In general character it ranged from the root-digging Shoshonian tribes of Nevada and the adjoining country to the Iroquoian peoples of the Northeast with their extensive cultivation of maize and tobacco and their notable instinct for political leadership, organization, etc., and the Pueblos Indians of Arizona, New Mexico, etc., with their village-life and conquest of the desert by

means of irrigation; from little tribes shut away in the Californian valleys and mountain-lands to populous stocks like the Siouan, whose lines of migration reach from their original home in the Carolinas to beyond the Mississippi, and north to the Saskatchewan; or the Iroquoian, representatives of which were found, at one time or another, from the borders of Alabama to the Gulf of St. Lawrence, and westward to the Great Lakes; or the Algonkian, whose tribes reached from the Saskatchewan to beyond the Ohio, and from the Rocky Mountains to the Atlantic Ocean. Exemplifying more remarkably the differences in culture and the possibilities of human evolution with change of environment, may be cited the Athapascan and Shoshonian stocks, both again, widespread, the former counting its greatest territory in Canada, the latter in Mexico. To the Athapascan stock belong alike "the terrible Apaches," and the Navahos, who have shown themselves so capable of progressing since coming into contact with the whites — the difference in culture here is now very great. Even more significant is the fact that the Shoshonian (Uto-Aztecan) stock includes "the miserable Utes" of Nevada, etc., the Hopi or Moqui (one of the Pueblos tribes), the Pimas and related peoples of northern Mexico, and the ancient Aztecs and their kindred, as the possession of cognate languages clearly proves. In California a curious di-

versity in languages (twenty-one distinct stocks are represented) has developed; something which occurs also, but not so numerously or so conspicuously, along the Pacific coast further north. The North Pacific group of peoples, concerning whom we owe so much to the investigations of Dr. F. Boas, are socially and religiously of great interest (e. g. such institutions as totemism, the potlatch, etc.). The Great Plains, stretching from Texas to far northwestern Canada, have, particularly by reason of the range of the buffalo, been roved over by tribes of many different stocks (Algonkian, Siouan, Caddoan, Kiowan, etc.), and the combinations and associations or alliances, temporary and permanent, due to the pursuit of a common object, have given rise to marked inter-tribal influence, noteworthy transferences of culture-elements (those of a social and ceremonial or religious nature, especially), etc. From the point of view of environment, in a somewhat general sense, Professor Mason recognized the following special areas within the limits of the United States or closely adjoining: St. Lawrence and Lake region, Atlantic slope, Gulf coast, Mississippi Valley, Plains, North Pacific coast, Columbia-Fraser region, Interior basin, California-Oregon, Pueblo country, in all of which the effects of environment in producing diversities of human life, activities, ideas, and ideals are clearly perceptible. There are great varia-

tions in the form of dwellings (from the brush shelters of some of the Shoshonian tribes to the wooden houses of the peoples of the North Pacific coast, the "long house" of the Iroquois, and the stone and adobe "pueblos" of the Southwest). Vessels for navigation and transport include dug-outs, skin-boats, wooden and bark canoes, ending with the rather delicate constructions of the peoples of the Great Lakes, etc. Art ranges from mere scribbles on rocks to the sand-paintings of the Navahos and Pueblos, and the shell and copper work of the tribes of the Mississippi Valley and the Gulf States to the turquoise mosaics of some of the Pueblos Indians. Pottery is unknown among the tribes of the North Pacific coast, and reaches a maximum in form, ornamentation, etc., in the Gulf States and the Pueblo country. Basketry attains its most exquisite form among some of the least cultured tribes in California, its maximum of service among the agricultural peoples in other regions. Ceremonials and religion are represented by all types from the simple rites of some of the tribes of the West and Northwest, to the secret societies of many of the tribes of a rather higher stage of culture (Plains peoples, Pueblos, Algonkian, Iroquoian, North Pacific coast). Here may be specially mentioned the sun-worship of the British Columbian Tsimshians, the nature-worship of the Pawnees, the "medicine-rites" of the Navaho (the

legends are sometimes almost Dantean), the great cosmogonic myths of the Zuñi, and the culture-hero legends of certain Algonkian and Iroquoian peoples. In the art of government and the development of civil society, the range is all the way from tribes with woman practically a slave to the Iroquoian peoples among whom she was "the mother of all," and practically controlled the destinies of the nation. The idea that throughout primitive America woman was held in abject servitude, having no social or political rights whatsoever, is a gross misconception of the actual facts. The range again is from some petty isolated tribe, few in numbers, such as, e. g., occurs in the California-Oregon country to such extensive alliances and "leagues" as were known to the Indians of the east, Algonkian and Iroquoian, and which were not without their influence in suggesting and strengthening the idea of federation among the European colonies of North America.

Effect of the Presence and Distribution of the Indians upon the General Course of European History and Civilization in the United States, Etc.

The fact that North America, like the rest of the habitable regions of the New World, had a native population, able to resist for centuries the whites in their efforts to acquire complete possession of it, has influenced profoundly the course of history on this continent since the time of Co-

lumbus. Had the land been unoccupied by human beings, the white race might have swarmed all over America within a comparatively brief period, and the social and political constitution of the United States might have been very much different from what it is to-day; and the "typical American" would also have been other than he now is. The occurrence of so many different Indian tribes, often speaking mutually unintelligible languages, and constituting entirely independent political entities, almost made necessary the establishment of similarly numerous and often slightly connected "colonies" of white men, even if this had not been more or less dictated in the first place by the conditions in the home-country at the time of the beginnings of settlement in America.

The fact that the Indians were here in sufficiently large numbers and so organized politically and otherwise as to be able to check a too rapid advance on the part of the European settlers, really created a number of successive Americas, beginning with the coasts of Massachusetts and Virginia, and ending with California, the Oregon-Columbia region, Alaska, etc. The existence for so long of a "frontier" ever receding westward as the tide of immigration advanced, has been emphasized by Professor Turner* in a very suggestive article, in which he points out how this situa-

tion conditioned the development of European culture in North America. His discussion of "the frontier in American history" is a valuable contribution to the literature of race-contact in the New World. The boundaries and proportions of some of the States which now make up the Union are sometimes as contingent originally upon pre-existing Indian delimitations and adjustments as they are upon natural or deliberately devised extensions and restrictions. The late Professor O. T. Mason, the ethnologist, used to point out as an interesting fact, quite accidental in all probability, and having no actual significance, the curious resemblance between the looks of the "Louisiana Purchase" as indicated on historical maps of the United States and the territory of the Siouan linguistic stock as shown on Major Powell's classic map of the distribution of Indian linguistic families of America north of Mexico.

The situation of the Iroquoian and Algonkian stocks with relation to each other in northwestern North America was potent for the future history of the New World. The adhesion of the Algonkian tribes so largely to the French and of the Iroquoian tribes as extensively to the English, at a certain critical period, practically settled which of these nations was ultimately to win the struggle for supremacy in America. Lewis H. Morgan was of opinion that "the Iroquois alliance with the English

* See *Proc. Wisconsin State Histor. Soc.*, 1889 and 1894; *Ann. Rep. Amer. Histor. Assoc.*, 1893.

forms the chief fact in American history down to 1763." Time and again in the course of the Indian wars, the fate of the European race in America lay almost in the hands of the natives. Says Mr. Weeden* of the famous Algonkian chief, "King Philip," who fought the English so long in New England: "Had the opposing power been a little weaker, he might have founded a temporary kingdom on the ashes of the colonies." In other parts of the country, at other times, combinations and confederacies of the Indians, like those of Pontiac and Tecumseh, were occasionally on the verge of success.

Before the coming of the Europeans a number of Indian tribes had already begun to act as middle-men for many others, and trade and commerce of a primitive sort had taken on a noticeable development in some regions. In the Iroquoian-Algonkian area of the Atlantic slope, shell-money, known as wampum, etc., appeared as a medium of exchange. The copper of Lake Superior, the sea-shells of the Gulf of Mexico, obsidian from the Rocky Mountains, *dentalium*-shells from the Pacific, catlinite pipes from Minnesota, etc., have been found far distant from their places of origin. Areas of local trade and exchange for cured and dried fish, preserved meat and berries, maize and tobacco, etc., were numerous. The beginnings of European settle-

ment in North America, with the need of dependence upon native supplies of food, acted as a marked stimulus to the already existing aboriginal industries of this sort, and the effect was increased by the introduction of all kinds of domestic animals (particularly the horse, which made travel in certain sections easy), guns and other weapons (tomahawks, axes, etc.) of European manufacture, more effective than the corresponding native ones, iron knives and other tools and implements, articles of clothing and ornaments, serving both for purposes of exchange and as means of attaching certain tribes to the cause of the whites in political disputes, wars, etc.

On the other hand, the commercial instinct of the Europeans was stimulated also, as the demand on the part of the settlers in America and their kindred in Europe for Indian products and manufacture constantly tended to increase. The fur-trade and the fish-trade are reported from the Gulf of St. Lawrence in the first half of the Sixteenth century, and it would take long to tell the story that begins with the establishment of the first trading-post at Tadousac (at the mouth of the Saguenay) in 1603, past the French fur-companies of the early days, the Hudson's Bay Company (for two centuries rulers of half of what is now the Dominion of Canada), the Northwest Company, the Missouri Fur Company, the Russian-American Company, etc., to the Alaska Com-

* *Indian Money*, p. 12 (1884).

mercial Company and more recent developments in that isolated portion of the United States. The effect of all this upon the topography of the country has been very great. All history shows that one of the most important contributions of a primitive people to the civilization of those who dispossess them is the trails and camping-places, water-ways and trade-routes they have known and used themselves for ages. The campsites and Indian villages became trading-posts and these later developed into important towns and cities, eminently well situated for the purposes of modern civilization (Albany, Detroit, Chicago, Pittsburg, St. Louis, Council Bluffs, Winnipeg, Vancouver, Spokane, Kansas City, and many more). The Indian trails and trade-routes, many of which had before been but paths of the buffalo, became turnpikes and then railroad lines. The Crow's Nest Branch of the Canadian Pacific climbs the Rockies by an Indian trail, as did its predecessors, and the towns springing up beside it occupy the abandoned campsites of the disappearing red man. Miss Yawger well quotes the words of a Cayuga chief, who in 1847 appealed to the white man for generous treatment:

"The Empire State, as you love to call it, was once laced by our trails from Albany to Buffalo; trails that we had trodden for centuries; trails worn so deep by the feet of the Iroquois, that they became your roads of travel, as your possessions gradually ate into those of my people. Your roads still traverse the same lines of commerce which bound one part of the Long House

to the other. Have we, the first holders of this prosperous region, no longer a share in your history?"*

This aspect of race-contact in North America has been considered by Professor Turner, and especially by A. B. Hulbert, in his *Red Men's Roads* (1900) and *Historical Highways of America* (1902-1905). Among notable routes and trails, paths, etc., may be mentioned the Old Bay Path (in New England), the Albany and Buffalo trail, the Cherokee trading path, the Warriors' path (from Cumberland Gap to the mouth of the Scioto), the Indian road (from Virginia to Philadelphia), the Santa Fé trail, the Oregon trail, the Wabash trade-route, etc.

In the opening up and developing of North America under European auspices, the collaboration and co-operation of the Indian himself were important factors, wherever possible. Exploration and occupation of the New World were all the easier, because almost everywhere adventurer, missionary, trader, trapper and hunter, pioneer and settler were so often led by Indian guides, to one of the earliest of whom Roger Williams paid eloquent tribute. The list of such guides, pathfinders, and "succourers" is a long one, from the Algonkian Squanto, the friend of the Pilgrim Fathers in 1621, to the Shoshonian woman, Sacagawea, whose statue in bronze (erected in 1905) adorns City Park in Portland, Ore-

* *Indian and Pioneer*, p. 92.

gon, as a worthy memorial of her services to the Lewis and Clark exploring expedition in the beginning of the Nineteenth century, and those who come after her in American history.

Another lasting memorial of the Indian, to be mentioned here, consists in the innumerable names with which, in the words of Walt Whitman, he has "charged the water and the land." Although, unlike Canada, the United States as a whole bears no Indian name, she has kept such by the thousand in her geographical and topographical nomenclature. States, rivers, lakes, mountains, and hills, cities, towns, and villages are perpetual remembrancers of the aborigines. Many other place-names are translations, good or bad, of Indian appellations; and, to make the score full, other hundreds of places in all parts of the country owe the same debt by the prefix "Indian," as do many other things like "Indian file," "Indian gift," "Indian ladder," "Indian corn," and "Indian summer." And, hidden in the local topography (wards, streets, and the like), a good many Indian names have been lost for more general use; in such fashion, *Manhattan* in New York, *Shawmut* in Boston, etc., have failed to appear as names for their respective cities. Hundreds of other Indian names are preserved in the appellations of clubs of all sorts and kindred social institutions among the whites; they appear also in the desig-

nations of vessels of all kinds from motor-boats to men-of-war and ocean grey-hounds, and after the Indian, and in words taken from his various languages, have been named great numbers of public parks and private estates, summer cottages and hotels by the sea-side or up in the mountains, "camps" for children and youth, etc.

But our language owes to the Indian much more than all this, the significance of which may be estimated from such a recent work as Mr. W. W. Tooker's *Indian Place Names on Long Island, etc.* (1911).

The fact that monarchy was at a high premium in Europe when the discovery and colonization of a great part of North America took place, led to a decided over-appreciation of the chiefs and petty leaders of Indian tribes, whose position and authority often did not at all correspond to those of the kings and princes of the Old World. This conferring of "royal dignity" upon Indian chiefs and their immediate family connections was a policy, necessary, perhaps, according to the ideas of the age, but one which disturbed and complicated sometimes the existing political and social conditions of the aborigines, exaggerating and extending the powers of the chiefs recognized by the whites, as against all others with equal claims. Products of this "royal idea" were "King Philip", the "Emperor Powhatan", the "Emperor of the Creeks", etc.

Queen Elizabeth, it is said, was much offended because a "common Englishman" had married the "Princess Pocahontas", daughter of Powhatan. In the reign of Queen Anne England was visited by the "Four Kings of Canada." In Europe, both in England and in France, Indian "Kings" were received as royal guests and shown honors worthy of their supposed high station. The institutions of the whites had to bend many times for their service. How European ideas and institutions were really more or less diverted for the benefit (sometimes, alas! for the spoliation) of the Indians has been shown by J. A. James, in his monograph on *English Institutions and the American Indian* (1894). Other interesting facts illustrating how the presence of the aborigines influenced law, institutions and governmental procedure on the part of the European colonists, will be found in the various articles in the *Handbook of American Indians* dealing with the Department of Indian Affairs, the Reservation System, Treaties, the history of the "Indian Territory," etc. In connection with the "Indian Territory" and its recent development, it should be noted that a Congressional Commission in 1778 proposed that the Delawares and certain other Indian tribes be formed into a separate state and admitted into the Union. The laws passed by the colonies and subsequently (as in 1795, when the President was empowered to establish trading-posts)

by Congress are of interest here. Things Indian, or supposedly such, were from time to time recognized by colonial statutes, etc. As Mr. Weeden informs us, the necessities of commerce made the people of the middle and eastern States adopt wampum, the shell-money of the Indians (manufactured also by the Europeans) as a sort of legal tender. And prize-money for Indian scalps seems more than once to have been approved by the whites. Several of the educational institutions of the country, including some now famous — Harvard, Dartmouth, William and Mary — were founded wholly or in part for the Indians. The charter of Harvard stated that it was for the "education of the English and Indian youth in knowledge and godliness"; that of Dartmouth specifically provided "for the education and instruction of Indian tribes in the land." To be sure, the Indians who have taken degrees at these institutions are few in number, but the fact remains, nevertheless, that the oldest and greatest of our American Universities, included in its inception both red man and white man.

Influence of the Indians upon Language, Etc.

Race-contact of the kind experienced by the red man and the white man in North America could never have occurred without the languages of the European colonists being noticeably influenced by those of the aborigines. This influence would

begin earliest and make itself felt most easily, e. g., in certain parts of Canada, where the French and Indians, as the existence of so large an amount of native blood in the veins of the white population indicates, to say nothing of the great numbers of unmistakable *métis*, mingled very freely, and where no serious obstacles to such borrowings were present. The Indian element in the Canadian French language has been discussed in detail by the author of this article and by the late Professor A. M. Elliott. The corresponding element in the language of English-speaking North America is considerably larger than is generally believed.

Upon the literary and the colloquial speech of the European settlers and their descendants, the Indian tribes have made a marked impression. The Indians of the United States and Canada have furnished to "American English" about 300 words (at a rough count) deserving record in our dictionaries. One stock alone, the Algonkian, is responsible for nearly 200 of these loan-words from the aborigines. A few only of the most interesting and most important can be cited here: Bayou, caribou, chautauqua, chipmunk, hickory, hominy, moose, klondike, manito, moccasins, mugwump, opossum, papoose, pemmican, persimmon, powow, raccoon, saratoga, sequoia, shoe-pack, skunk, squash, squaw, Tammany, tarpon, terrapin, toboggan, tomahawk, totem, tuxedo, wampum, wigwam,

woodchuck, wyandotte. What a wide field of thought and experience is traversed by these aboriginal terms adopted into modern English! And some have passed over into practically all the civilized tongues of the world. The late Dr. J. H. Trumbull would have added *caucus* to the list. But, even if the Indian had done no more than give us the terms by which we denote *Tammany*, *mugwump*, *Chautauqua* (three great ideas developed by Europeans in America), he would have succeeded in doing more than some of the languages of civilized races in really influencing the future universal tongue. To the language of science the Indian has contributed the much-discussed *manito* and *totem*—recently *totemism* has become one of the great words of primitive anthropology and psychology. Some will hardly believe that *chipmunk* can be anything else than English proper, but it is undoubtedly a loan-word from the Ojibwa *atcheetamon*.

Into the colloquial speech of English America, and even sometimes into the literary language as well, have crept phrases and expressions also, which are translations, or attempts at such, of aboriginal turns and tricks of thought, often but very imperfectly understood. Such, e. g., are "brave," "sun," "moon," "fire-water," "pale-face," "squawman," "medicine," "medicine-man," "Great Spirit," "happy hunting-grounds," "Great Father,"

"to bury the hatchet," "to smoke the pipe of peace."

Taken altogether these data indicate clearly that the influence of the Indian upon the language of the Europeans in North America has been both great and lasting.

Fishing and Hunting.

At the period of European discovery and colonization, the seas, lakes, and rivers of North America teemed with fish of innumerable species, with the capture of which and their utilization for food the Indians were already familiar and often very skillful, besides, in the art of preserving them. The forests also abounded in all sorts of game, large and small, in the tracking, trapping, and the killing of which they had developed great cunning and dexterity, as may be seen from the late Prof. O. T. Mason's exhaustive studies on the subject. Regarding the numerous strange animals of his new environment, the white man had much to learn, and much was taught him by the Indian. It has been said, with truth, that "in methods of capturing sea-food the native had little to learn from the white man;" the latter, however, was not an indifferent pupil in the piscatorial arts of the former, and from the very beginnings of European settlement certain devices of the Indian fisherman were adopted by the newcomers, some of which have continued in use down to the present day.

Such names as "The Weirs" (e. g., in New Hampshire), the "Lac aux Claies" (one of the early French names of Lake Simcoe, in the Canadian Province of Ontario), etc., bear witness to the fact that the Algonkian and other Indian peoples of north-eastern North America, and the same thing may be said of the tribes of the Southeast and those of the great river-valleys of West and Northwest, constructed "fences," "hurdles," "weirs," and other similar obstructions in streams, ponds, lakes, and even the sea itself, for the detention and capture of fish. The wattle-work fish-traps and weirs of the Indians of the Virginia-Carolina region are figured and described in the writings of the early historians and chroniclers, such as Hariot and others, who report them as adept in their construction. The European settlers profited much by these devices of the natives, and as late as the time of the Revolution the Virginians, as Mr. Edward Eggleston* tells us, were still using what was practically the Indian fish-weir. In several other parts of the country the same thing happened. Even to-day the tidal creeks and rivers of Maine contain many fish-traps of great size, constructed in the Indian fashion of sticks and branches — sometimes simply of brushwood. Locally all over the country, doubtless, methods of taking fish, of Indian origin, survive, such as

* *Transit of European Civilization*, p. 100.

the *neeskotting* and *wigwassing* of the New England coast. The hunter and trapper, from the earliest times, has been indebted to the Indians for devices peculiar to the chase. The "moose-call," e. g., in use by white hunters to-day, goes back to the Micmacs. Details of trailing game animals, etc., are now the common possession of the white man and the red.

Agriculture and Agricultural Processes.

It is in this field of human activities that borrowings often take place very early under race-contact. The methods are often simple and the needs of survival imperative. America affords a number of excellent illustrations of such culture influence working from the "lower" to the "higher" races. The extent to which many of the Indian tribes of the United States and Canada practiced agriculture in pre-Columbian times is still rather underestimated by some authorities, although the statements of the more reliable of the early discoverers, explorers, and colonists leave us in no doubt upon this particular point. Dr. Richard Lasch, in his monograph on *Agriculture among Primitive Peoples* (1904) calls attention to the remarkably large corn fields of some of the eastern and western Indian tribes (p. 262) and Professor Cyrus Thomas, writing of agriculture in the *Handbook of American Indians North of Mexico* (Pt. i., 1907), cites the evidence of Cartier, Champlain,

Sagard, Charlevoix, de Tonty, General Wayne, etc., as to the large fields of corn all over the country. Sagard (1636) is on record as saying with reference to the Hurons, that he "lost his way quicker in these fields than in the prairies or forests;" and General Wayne (1794) said of the Miami country, "nor have I ever before beheld such immense fields of corn in any part of America from Canada to Florida." Another proof of the extent to which the Indians carried on the cultivation of maize, is the immense amount of corn both standing and in the dry ear destroyed by the French and English during the Indian wars, particularly in the Eighteenth century, throughout the territory of the Iroquois, in what is now the State of New York, etc. It is due to the cultivation and the storage of maize to such an extent by the Indians that the survival of the whites and their occupation of the continent were possible at the time at which they actually occurred. Professor Thomas is quite right in speaking of "maize, without which the peopling of America would probably have been delayed for a century." The general distribution of the plant had already long ago taken place, and from the Indians "the whites learned the methods of planting, storing and using it." It was a fact of the profoundest significance for the future history of America that the aborigines of the northeastern and eastern sections of North America

were in such measure agriculturists, and not mere wandering nomads unacquainted with the arts of planting, nurturing, and harvesting. The cultivation of beans, squashes, pumpkins, gourds, etc., was also quite extensive in certain sections of the country, notably in what is now the Southern States. Here, again, these plants and their cultivation for food purposes were taken over by the whites from the Indians. In the early days of the East, and later on, when the primitive stages of civilization were created in the winning of the West, many wild roots, often styled "onions," "turnips," and not infrequently branded also with the name "Indian," serve to eke out the food-supplies of the conquering race.

The lesson given to the whites by the Indians in corn-planting began early in New England. Governor Bradford tells how, in April, 1621, the Indian Squanto taught the colonists how to "set" corn and how to manure it properly, after the native fashion. It was from the Indians also that the English learned to plant corn in hills, and to plant corn and beans together, or corn and pumpkins in the same field, etc. Says Professor Thomas: "With the exception of better tillage, the method of cultivation (of maize) is much the same to-day among civilized men as among the natives." Much interesting information concerning maize and maize-products will be found in Professor Harshberger's *Maize: a Bo-*

tanical and Economic Study (1893) and A. C. Parker's more recent monograph on *Iroquois Uses of Maize and Other Food Plants* (1910). The author of the last work is himself of Indian descent, and has been able to collect and set forth facts that might easily have escaped another observer among so typical a corn-growing and corn-using people as the Senecas. The cultivation of certain varieties of beans, and of several species of squashes, pumpkins, etc., was also taken over by the European settlers in eastern North America from the Indians, and these food-plants have all been of great service to them.

North of the Rio Grande the cultivation of the tobacco-plant was not as extensive among the Indian tribes as was that of maize, and its spread to some sections of the country, or at least the increase in its production, was in some measure due to the fact that the whites in the Virginia-Maryland region made it for some time their agricultural staple, neglecting other things so much as to run the risk of famine and starvation. The Indians of the Southeast, however, cultivated it largely, and a few tribes further north (e. g. the Blackfeet) seem later on to have planted much of it, while among the Iroquoian peoples we find the Tionontati, of what is now the Province of Ontario, early known as the "Nation du Petun" ("Tobacco Nation") from their possession of such large fields of tobacco. With the Indians, smoking tobacco

was more of a ceremonial or hygienic and medicinal procedure than the common practice it has since become among white men and others all over the world, and the great increase in its use in North America resulted from the abundant crops produced by the colonists in combination with huge quantities of pipes "made in Europe" for the native trade. Such Indians in the United States and Canada as chew tobacco have acquired the habit from the whites. Tobacco was introduced into England by Sir Francis Drake in 1578 (the plant had reached Europe through the Spaniards half-a-century earlier), where as elsewhere in the Old World, its medicinal virtues were exaggerated and it "was commonly used throughout Europe as an antidote against the plague and other diseases." Thus, both in the New World and the Old, its common use by young and old, men and women—one of the problems of modern society among civilized nations—is secondary and not primary. The Indian is not directly responsible for the smoking-car and the smoking-concert (among whose habitues now are both men and women), the smoke-talk with choking atmosphere (so different from the councils of the aborigines), the harmful cigarette, not to be compared with its Indian prototype—cigarette pictures, etc. Details of the Indian uses of tobacco and of the spread of the habit of smoking may be read in J. D. McGuire's *Pipes and Smoking*

Customs of the American Aborigines (1897). The Indians of the Northwest, especially, had the custom of using mixtures of the barks and leaves of various plants, with or without the addition of tobacco, for purposes of smoking. Mr. McGuire informs us that *Cornus sericea* and *C. stolonifera* "grow over the greater part of North America and are used for smoking nearly as extensively as *Nicotiana*." Here belong the *sagakhomi*, *kinnikinnick*, etc., of the early settlers, *métis*, etc., of this region, borrowed from the Indian population, and used in lieu of tobacco proper. Of course, none of such plants were ever cultivated by the Indians, the operation being one of "gleaning" only.

The Indians of the arid regions of the Southwest (the Gila country of Arizona especially) used irrigation canals, etc., to a considerable extent for the purposes of agriculture and for providing the Pueblos with fresh water. The white settlers in the same area have taken advantage of the old Indian works to perfect their own irrigation schemes. According to Professor F. W. Hodge* "Several of the old canal beds have been utilized for miles by modern ditch builders; in one instance a saving of \$20,000 to \$25,000 was effected at the Mormon settlement of Mesa, Maricopa County, Arizona, by employing an ancient acequia that traversed a

* *Handbook of American Indians*, pt. i., p. 621.

volcanic knoll for three miles, and which, at one point, was excavated to a depth of twenty to twenty-five feet in the rock for several hundred feet."

The use of fish as fertilizer or manure was known to many Indian peoples of the Atlantic coast region, the Algonkian tribes of New England and Virginia in particular, and this device was one of the first things the early settlers learned from the natives. In his *History of Plimouth Plantation* (1621), Governor Bradford tells how, in April, 1621, "They (as many as were able) began to plant their corne, in which service Squanto (an Indian) stood them in great stead, showing ye manner how to set it and after how to dress and tend it. And he tould them, excepte they got fish and set with it (in these old grounds) it would come to nothing; and he showed them yet in ye midle of Aprill, they should have store enough come up ye brooke by which they begane to builde, and taught them how to take it." George Mourt (1622) and Edward Johnson (1652) add their testimony; while for Virginia we have, among others, Thomas Morton, in his *New England's Canaan* (1652), who says concerning the way in which the inhabitants of that colony did their grounds with fish: "You may see in one township a hundred acres together set with these fish (i. e. 'shads and allizes'), every acre taking 1,000 of them, & an acre thus dressed will produce and yield so mush corn as 3 acres without fish."

He states that it was in use "onely for the Indian maize (which must be set by hands), not for English grain." The Indians as far north as Canada seem to have used fish-manure, and in addition, several tribes—both Algonkian and Iroquoian—used shells as fertilizer. These facts should be remembered to-day, when the refuse of the pogy-factories in Maine and the great shell-heaps of Louisiana are alike made over into "fertilizer" and "phosphate" for agricultural purposes. In all sections of the country also the materials of Indian refuse heaps and shell-mounds are ground up for road-making, etc.

The burning over the fields, as a preparation for planting, is another device the whites have picked up from the Indians.

Foods.

When two races come into more or less massive and continuous contact, and the one fated to be dispossessed has already developed abundant sources of food-supply of a varied and satisfying character, large and important transfers of such materials for survival to the dominant race inevitably take place. In both North and South America this has occurred on a grand scale, and the food-products borrowed from the Indians since the Columbian discovery have, in some cases, become the common property of civilized and uncivilized peoples throughout the Old World. In addressing the German Geographical Congress at Stuttgart, in 1893,

just after the four-hundredth anniversary of the landing of Columbus, Dr. Rein said:

"The influence of the New World upon the material conditions of the Old World has been very varied. For most inhabitants of Europe, and even for the Maoris in far-off New Zealand, potatoes have become an every-day food. Indian corn is even more widespread, and tobacco has conquered the whole earth."

The tale is long, indeed, if one were to catalogue all the food-stuffs which the world owes, directly or indirectly, to the American Indian in all the long stretch of the continent from Alaska to Patagonia. Here, however, we can take notice only of some things that were in use among the aborigines of what is now the United States and Canada, and from them passed over to the European colonists and their descendants, kinsmen over-sea, subject-races, etc. Even that list is longer than many dream of.

One great reason why the European race was able to survive in North America was because the waters abounded in fish and the forests in game which a naturally hospitable people like the Indians placed at the disposal of the newcomers, when the latter were at their wits' end to obtain them otherwise. Many of the most distinguished men and women the United States has ever produced owe their existence to the fact that their ancestral families were saved from death from starvation by the hospitality of the neighboring Indians. The late Dr. D. G. Brinton, the famous anthropologist, delighted to tell how

one of the pioneer settlers of Pennsylvania, bearing his name and being one of his direct ancestors, was in this manner saved with his whole family. Time and again, the little struggling colonies and settlements of white men from Labrador to Florida, and from the Atlantic to the Pacific, had the products of Indian industry to thank for their rescue from destruction by famine and disease. In times of scarcity of food, the Europeans subsisted on what they could obtain from the natives in the way of corn and other things which they had stored up above or below ground. The chronicler Hakluyt (1609) says of the Indians of Apalache in Florida, that when the European adventurers reached their town they found there "great store of maiz, French beans and pompions, which is their food, and that where-with the Christians sustained themselves." And further north the Christians were not above "sustaining themselves" sometimes by plundering the Indian "barns," as we read in the early colonial records of New England and elsewhere—regular expeditions being sent out on occasion for that purpose. The settlers thus survived sometimes through the hospitality of the natives and sometimes again by virtue of deliberate parasitism.

In the West, during the period of slow advance of the white population, similar incidents were of frequent occurrence, and certain exploring ex-

peditions would have been impossible had it not been for the stored-up foods procured from the Indian tribes of the regions visited. Lewis and Clark, in their expedition of 1804, obtained ears of corn from the Mandans of the Missouri, who "dug it up in front of their lodges, where they had buried it the winter before." Elsewhere the service of "wild-rice" to the early settlements of the West and Northwest has been referred to. As is well known, the European settlers took over from the aborigines of the regions in North America occupied by them numerous food-plants with the methods of cultivating them in vogue there. The complete list of these has never been drawn up. Besides this, they used, as did the Indians before them, without cultivation, many roots, etc., some of which were at times very important items in their food-supply. But maize with its products undoubtedly heads the list.

The number of food substances produced from maize by the Indians and borrowed from them temporarily or permanently by the whites is quite large, and includes many roasted, baked, boiled, and steamed dishes, some of which contained also other ingredients such as beans, or other vegetables, meat, and the like. The following list cannot be said to be by any means exhaustive: Boiled corn and corn-soups, bread and cakes of divers sorts, corn-meal, hominy, hulled corn, mush and porridge, parched corn, roasted ears, etc.; in

addition, all the concoctions in which cornstarch figures, together with such recent developments as "Karo: corn-syrup," etc. If one were to take away from European civilization in North America all memories of Indian pudding, rye and Indian, Boston brown bread, corn-dodgers and cornmeal muffins, corn-flakes, johnny-cake, hoe-cake, pone suppawn, ash-cake, samp, succotash, sagamité, mush, hominy and hominy grits, etc., what a void there would be! And in the list must go also pop-corn, that *sine qua non* of youthful Americans. From the corn-plant white men's ingenuity has been able to extract sugar, syrup, brandy, etc.

To-day the New England dinner is incomplete, for a large part of the year, without squash in some form or other, and time was when pumpkin-pie was almost a sacred dish. There are also to be mentioned pumpkin-bread, pumpkin-sauce, etc.; in 1671 Josselyn could already speak of pumpkin-sauce as "an ancient New England standing-dish." Even "Boston baked beans" had their start with the red man, for the common haricot kidney-bean is of American origin. From maize, squash, pumpkin, beans, the European population of America, and those added to it from Africa, have derived an infinite variety of foods. Tobacco, being hardly a food, will not be discussed at length here, but out of it also the whites have managed to ex-

tract a great many things, mostly, perhaps, rather evil than good.

A food plant, known by the Indians before the coming of the whites, but not extensively utilized over a large portion of the continent, is the so-called "wild-rice" (*Zizania aquatica*) of the Great Lakes, which has been made the subject of an extensive monograph by Professor Jenks, who considers it from the point of view of primitive economics—he also advocates its cultivation on a large scale by the whites as a valuable addition to the food supply of the country. The impression made by this plant upon the Indians of the region where it chiefly flourishes, as also upon their white successors, has been so great that Professor Jenks feels justified in stating that "more geographic names have been derived from wild-rice in this relatively small section of North America than from any other natural vegetable product throughout the entire continent." The use of wild-rice by the Indians seems to have been stimulated not a little by the pressure of the whites, forcing them more and more into closer quarters in this region, and cutting off some of their resources, especially hunting. The population of the wild-rice region was comparatively dense and the Indians are described by several authorities as marked by physical well-being, due probably to this abundant food, so easily procured and needing so little preparation, etc. In the early history

of the West and Northwest wild-rice has been a factor of survival for the pioneer movements of American civilization. Both Henry (1775) and Carver (1776) record the fact that the great expeditions to the rivers of the West and the preservation of the "infant colonies" beyond the settled East would not have been possible without this cereal. Wild-rice is now used to some extent by white people and is on sale in a number of towns in the Western States.

In the Rocky Mountain region a very large proportion of the food of the Indian tribes consisted of roots and bulbs, which were eaten raw or cooked, fresh or dried, and were sometimes preserved in great quantities for future consumption. It is from their habit of gathering such roots that the so-called "Digger Indians" (the term has been applied to many distinct tribes) received that name. During the early settlement of this country by the whites, many of these plant-foods were more or less used by them.

Most extensive use of the bulbs (steamed in order to be made palatable) of several species of the camas, a plant of the hyacinth family, which fairly pullulates in the meadows of the Rocky Mountain region, was and is still made by the Indians of the country. The "camas prairies" are famous in the reports of early settlers and explorers. To the Canadian French hunters and trappers, *voyageurs*, and *coureur des bois* of

the West the camas was known as "pomme blanche," "pomme des prairies," and was also much used by them and the *métis* of the country. Another root of the Columbia-Oregon region, almost equalling the camas in importance as food among the Indians, is the kouse, or "biscuit-root" (so called because a sort of thin bread or cake was made from it), the scientific name of which is *Peucedanum ambiguosum*. The *voyageurs* and their kindred also made use of the "kouse," which they called "racine blanche." A third plant-food of value was furnished by the roots of the "Indian turnip" or "prairie potato" (*Psoralea esculenta*), used by the Plains Indians from Canada to Texas, with some of whom it was "dried, pounded to meal, and cooked with jerked meat and corn." The Sioux Indians were particularly fond of it. The "Indian turnip," "Dakota turnip" (*tipsinna* is its Sioux name), besides serving at times to help out the diet of the whites of the country in the early days, seems to have been the subject of an interesting experiment in the Old World. In his *History of Minnesota* (1858), Mr. E. D. Neill says (p. 506):

"This root has lately acquired a European reputation. Mr. Lamare Picot, of France, has, within a few years past, introduced it into his native country, and the Savans of Paris, it is said, have given it the name of *Picotiana*. It has been supposed that this dry prairie root might yet take an important place among the vegetables which are cultivated for the support

of human life; but this expectation will probably end in disappointment."

In the Rocky Mountain country and in the Utah-Arizona region the Indian tribes used for food several species of *Calochortus*, the Kutenai, of British Columbia, e. g., boiling and eating the bulbs of *C. elegans*. The starchy bulbs of this plant, known to the whites as "wild sago," are said to have formed a large portion of the food-supply of the Mormons during the first few years of their residence in Utah. They have also been made use of occasionally by other whites in the extreme West.

In the East such root-foods as the tawkee or tuckahoe (species of *Arum* and *Orontium*) were occasionally used by the whites—another name was "hopnuts," a corruption of the designation of the plant in the language of the Delaware Indians. The Swedish settlers in New Jersey in the early years of the Eighteenth century made some use of such foods.

The Seminole Indians of Florida obtained from the starchy bulbous roots of a cycadaceous plant (*Zamia integrifolia*) a flour known as "coonti," of which a sort of bread much used by them was made. The apparatus employed in its preparation was quite extensive. Coonti-bread has been used considerably by the white and negro population of this region of the United States. Mr. Walter Hough, writing in 1907, in the *Handbook of American Indians North of Mexico* (Pt. ii., p. 396) says: "A

demand among the whites for coontiflour has led to the establishment of several mills in Florida."

As Professor H. W. Henshaw and the present writer have shown, we owe the making of maple-sugar and maple-syrup to the Indians of eastern North America. In the Eastern States and in the Canadian Provinces of Ontario and Quebec the production of these articles of food is one of the important local industries, and Vermont has come to be styled sometimes "the maple-sugar State." In early New England, as is still the case in parts of Canada, the *modi operandi* of the production of maple-sugar, etc. smacked altogether of the Indian. "Sugaring-off parties" are still attractions in the region of the "sugar bush."

The use of clams, together with Indian methods of procuring and cooking them, came to the whites from the aborigines, and the modern "clam-bake" has assumed great importance at seaside summer resorts and as a festive occasion even far inland. "Planked fish," is likewise borrowed from the aborigines.

Storage, Preservation of Food, Etc.

In a new country it is of decided advantage to the immigrants to become acquainted as early as possible with the methods of storing and preserving foods and other things in use among the natives, which have been developed in harmony with the climatic and other conditions of the

environment. In these matters the European settlers learned several lessons from the Indians. The term "cache," borrowed by American-English from Canadian-French, a derivative from the French verb *cacher* ("to hide"), was early used to designate a common Indian practice of storing or hiding anything (food in particular) in holes made in the ground, under heaps of stones, in natural cavities in the rocks and elsewhere, in hollow trees, etc. All over the country, at some time or other, this practice has been in vogue among the white settlers and others, who simply adopted the custom of the aborigines. As early as 1578, Martin Frobisher found the Eskimo of Baffinland hiding quantities of fish and flesh under great heaps of stones, and this sort of cache has been long practiced by Arctic hunters, explorers, and seekers for the North Pole. The caching of food for the return journey, another custom now in vogue in the Arctic regions, was known to several of the Indian tribes of Canada and the adjoining country. In noticing the word *cache* in his *Dictionnaire Canadien-Français*, published in 1894, S. Clapin says (p. 64): "In early colonial times many caches were made, around the houses, in the thickets, forest, etc., in order to save the property of the settlers from the depredations of the savages." And, like the "savages," the settlers often show great ingenuity in protecting

their caches from prowling beasts and roving humans.

In the early history of the settlements of the English in New England there is frequent mention of the "barns" of the Indians. These "barns" were neither more nor less than holes made in the ground in which corn and other foods were cached. So numerous were they in the fields that they are sometimes referred to as menaces to travel for both man and beast. Not only did the whites profit by this method of storage for the preservation of their harvests, but, in times of scarcity, they resorted to stealing from "the Indian barns," which usually furnished a goodly supply.

For the preservation of fish and meat, various methods (drying, curing, freezing, etc.) were in vogue among the Indians, and several of these have been adopted by the European settlers and their descendants. E. D. Neill, in his *History of Minnesota* (1858, p. 432) has the following interesting passage:

"Not less than thirty thousand (i. e. fish) were taken this fall for the winter supply of the four houses here. They are called *tullibees*, the only name save the Indian (*Etonibins*) that I have ever heard. They will average from one to three pounds as they are taken from the water. The manner of curing them is merely to hang them in the air to freeze—a simple rather than a safe way. The trader with whom I pass the winter has now upon the scaffold about ten thousand."

In the West and Northwest, again,

* This is quoted from a letter of Rev. Mr. Boutwell under date of 1833.

the whites copied methods of sun-drying and curing of fish; and also of the meat of various animals—hence "jerked beef" and the like, though the term "jerked" is of South American (Quechuan) origin.

As the name (Cree *pimikân*) indicates, *pemmican* is derived from the Indians of the Canadian Northwest. Its use by the whites began early in the history of the development of that country; and "pemmican" is now manufactured to order for Arctic expeditions, etc. It was originally a simple mixture of pulverized meat and melted fat, packed into skin bags and kept dry. Of these the Indians had several kinds, including sweet pemmican, fish-pemmican, berry-pemmican, etc. Pemmican has been of great service to the whites and *métis* in the commercial and economic beginnings of the Great West, etc.

In the storage and preservation of maize and its products many devices of Indian origin have been or are now in use among the whites. The method of storing corn in pits or trenches in the ground was in common use among the Algonkian and Iroquoian tribes, from whom it passed over to the Europeans. As A. C. Parker notes: * "The custom of caching vegetables in the ground is, of course, now followed by white people generally." According to Miss Alice C. Fletcher,† "the ordinary corn-cribs, set on

* *Iroquois Uses of Maize and Other Food-Plants*, p. 36.

† *Handbook of American Indians*, pt. i., p. 25.

posts, are copies of those in use among the Indians which Lawson described in 1701." And Parker (p. 36) adds: "Corn-cribs are an Indian invention, and, for general construction, have been little improved upon by white men." From the Indians, too, came the hominy-mortar. From them, likewise, the device of preserving dried corn on the cob by braiding the ears together by means of the husk and hanging them up in the house, etc., something mentioned by Champlain, Sagard, Lafiteau, and other early chroniclers.

Medicine, Materia Medica, Etc.

One of the most interesting aspects of the contact of peoples in a new environment is the borrowings of the "higher" from the "lower" race in the field of medicine and the healing art in general. That these should often be numerous and significant is but natural, since the question involved is a primal one of the survival of the individual, and, as is even now the case among civilized nations, both real and fake medicines and doctors are appealed to, the known and the unknown alike. The debt of European races in America, and through them of the whole world, to the Indians, directly or indirectly, for *materia medica*, etc., is very great, especially if we take into account Central and South America with their numerous and valuable febrifuges, purgatives, and astringents, balsams, stimulants, etc. And it must be remembered here

that a small proportion only of the "medicines" actually used by the millions of individuals of European and African descent in the New World, which are of Indian origin, have been catalogued or recorded; the "folk-medicine" has to be added to the recognized physic and therapeutics before the sum is at all reached. But, even if we consider this subject only in so far as the Indian tribes of the United States and Canada are concerned, their influence upon the whites in times past and at the present day is by no means small.

In the early history of the European colonies, the "Indian doctor" (man and woman) was frequently of great service in stanching the wounds and alleviating the pains and aches of the settlers; and the experience was repeated during the period of the acquisition of the West. Many men and women, doubtless, whose descendants have since been ranked among our great ones, had their lives saved by such means. New England, e. g., had its Joe Pye (after whom the "Joe Pye weed" was named), its Sabbatus, its Molly Orcutt, and others, who knew the secret uses of herbs and simples, barks and leaves, roots, berries, and juices, and cured or taught the newcomers to heal themselves. From them the Europeans learned the virtues of *cohosh*, *dock-mackie*, *puccoon*, *pipsissewa*, and many other native remedies. The recognized pharmacopeias of the United States have admitted a large

number of these Indian remedies. On this point Mr. Walter Hough observes: *

"Many of the medicinal roots of eastern and southern United States were adopted by the whites from the Indian pharmacopeia; some of these are still known by their Indian names, and about 40 are quoted in current price lists of crude drugs. Indians formerly gathered medicinal roots to supply the trade that arose after the coming of the whites. Many roots were exported, especially ginseng, in which there was an extensive commerce with China; and, curiously enough, the Iroquois name for the plant has the same meaning as the Chinese name. Ginseng was discovered in America by Lafitau in 1716, and under the French régime in Canada many thousands of dollars' worth were sent yearly to the Orient. In Alaska ginseng was used by sorcerers to give them power."

The medicinal value of witch-hazel (*Hamamelis virginiana*), whose bark is now used for extracts well-known in the pharmacopeia of the whites, was recognized by the Indians, who also employed for medicinal purposes the may-apple (*Podophyllum peltatum*), or "wild lemon," known also as furnishing an extract catalogued in the remedies of the whites. The culver's root (*Veronica virginica*) likewise belongs in this list. As a medicine for scrofula, "pipsissewa beer," a modified decoction of *Chimaphila umbellata*, a plant of the heath family, has been in use among the white population. The so-called "Indian tobacco" (*Lobelia inflata*) furnished a "quack-medicine" of considerable vogue; and in the northeastern United States "lobelia" was once the watchword of a local medical school and

famous as an emetic, cure for asthma, etc. The Indians of California were credited by Dr. Bard in 1894 with furnishing "three of the most valuable additions which have been made to the pharmacopeia during the last twenty years." One of these is the "yerba santa" (or "holy plant") of the Spaniards — its scientific name is *Erioduction glutinosum* — used for affections of the respiratory tract; another is *Rhamnus purshiana*, whose Spanish name is *cascara sagrada* ("holy bark"), from which a good laxative is obtained. "Cascara" medicines of several sorts are now to be had at all drug stores.

It was from Mr. James Mooney's investigations of the so-called "mes-cal cult" of the Kiowa Indians of Oklahoma in 1891, that the extent of the ritual use of the "buttons" of the plant (*Anhalonium Lewinii*) among the North American Indians of the southwestern United States — "it was formerly and still much used for ceremonial and medicinal purposes by all the tribes between the Rocky Mountains and the Gulf of Mexico, from Arkansas River southward almost to the city of Mexico" — was made known. As the name of the plant really records, the German chemist Lewin, in 1888, made a chemical study of it, but not until very recently were medical and psychological experiments of a significant sort carried on. According to Mr. Mooney: * "Tests thus far made

* *Handbook of American Indians*, pt. ii., p. 396.

* *Handbook of American Indians*, pt. ii., p. 237.

indicate that it possesses varied and valuable medicinal properties, tending to confirm the idea of the Indians, who regard it almost as a panacea." The psychic influence of the drug was recognized by some of these Indians in their saying that "mescal is the food of the soul, just as maize is the food of the body." An account of this drug and its effects, based upon original experiments, will be found in a recent article by Havelock Ellis in the *Popular Science Monthly* (vol. lxi, pp. 52-71) who finds it superior in some ways and less harmful (there are no evil after-effects upon the intellect) than the famous hashish for the creation of "artificial paradises," and concludes that "even in civilization there remains some place for the rites of mescal."

Many other plants and herbs might be mentioned here, did the space permit it, information concerning which may be sought in the work of Dr. B. S. Barton, *Collections towards a Materia Medica of the United States* (1798), and the more recent literature of the subject.

Upon the Indian reputation in physic, quacks and impostors have grafted themselves at all times, and there has been a flood of "Indian" remedies for coughs, colds, catarrhs, consumption, rheumatism, and dozens of other human ills. Many patent and proprietary medicines even now rejoice in titles reminiscent, as their ingredients are supposed to be, of the Indian. Newspapers and dead walls

abound in advertisements of such things as "Kickapoo Indian Sagwa," "Snake Indian Cure for Consumption," and many more.

As mentioned previously, the "medicine-men" of the North American aborigines were often called upon to serve the European settlers and intruders, as is repeatedly recorded in individual accounts, local chronicles, etc. This was particularly the case in those sections of the country where *métissage* had occurred and the existence of numbers of mixed bloods facilitated the utilization of Indian customs and practices. But instances are not lacking from the very heart of the English settlements. In a letter of the Rev. John Clayton, dated 1687, and cited by Bushnell, in the *American Anthropologist* for 1900 (p. 41), it is said of the natives of Virginia and their *wiochists* or shamans:

"They reward their Physicians with certain fees, but according as they bargain for wampum peake, skins or the like; if it be to an Englishman they are sent for they will agree for a match coat or a gallon or two of Rum or so forth according to the nature of the cure."

The use of the "sweat-bath" of the Indians by white men is often mentioned in the early records of Canada and the West, one of the early explorers admitting the great benefit he derived from it. And such methods were much in vogue among the half-breed population. Kalm, the Swedish traveller (1772) praises, from personal experience, the corn-poultices of the Iroquois.

Clothing, Furniture, Ornament, Etc.

In the beginning the early European settlers, like the pioneers of the West at a later date, owed much to the Indians in the matter of clothing, and buckskin shirts and moccasins (and "shoe-packs") have not yet gone out of use altogether. The infant of the Hudson's Bay factor in the far north of Canada sleeps safe in warm "moss-bag" of the Athapascans; at the sea-shore the offspring of the New Englander toddles about in moccasins borrowed from the Algonkian and the Iroquois. And there are now "sleeping-bags" for others than Eskimo and Arctic explorers. The French ladies of Louisiana took up the turkey-feather fans of the aborigines, and the Yukon prospector now uses the *parfleche* of the Plains Indians to transport his few belongings. For storage purposes many baskets, and receptacles of other materials of Indian make or imitations of them, have long been in use among the whites in many regions. In the early days rope and string made from "Indian hemp" (*Apocynum cannabinum*), the bark of the "leather-wood" (*Dirca palustris*) were largely used in northeastern North America, and the saying that the Canadian Northwest was made by Scotchmen and "*shaganappi*," recognizes the debt of the European settlers to the buffalo-skin thongs of the Cree-Ojibwas. In early French Canada *babiche*, another variety of raw-hide thong, acquired some reputation. In

Canada, too, the use of *watap* (roots of pine, spruce, tamarack) has been common among the whites for the purpose of sewing birch-bark, etc. Mats of flags and rushes readily passed from the Indians into the houses of the early colonists of New England, Virginia, etc. Lawson in his *History of Carolina* (1714) says: "The mats the Indian women make are of rushes, and about five feet high, and two fathom long, and sewed double, that is, two together; whereby they become very commodious to lay under our beds, or to sleep on in the summer season in the day time, and for our slaves in the night. There are other mats made of flags, which the Tuskeruro (i. e., Tuscarora) Indians make and sell to the inhabitants" (p. 307). A number of things manufactured from the maize-plant that have been or are now in use more or less among them, are of Indian origin. Such are corn-husk mats (especially door mats), wrappings and stuffings for various purposes, etc.

In the realm of ornament and æsthetics the Indian has also made his influence felt. The wives and daughters of the European settlers learned from the squaws many pretty and durable ways of staining and dyeing their willow and their wooden ware with juices of vegetable origin. To-day things "made by the Indian" are as common as those "made in Germany," and a pedagogical craze for imitating Indian art is abroad in

the land. California basketry, Navaho blankets (and Chilkat ones too), Ojibwa birch-bark work, Micmac grass and root-work, Pueblo pottery, when ancient and genuine, are at a high premium, but the country is flooded by articles resembling them made for the tourist, the unwary collector, and the general mass of white men and women—and the manufacture by the latter of “beautiful Indian antiques” is by no means unknown.

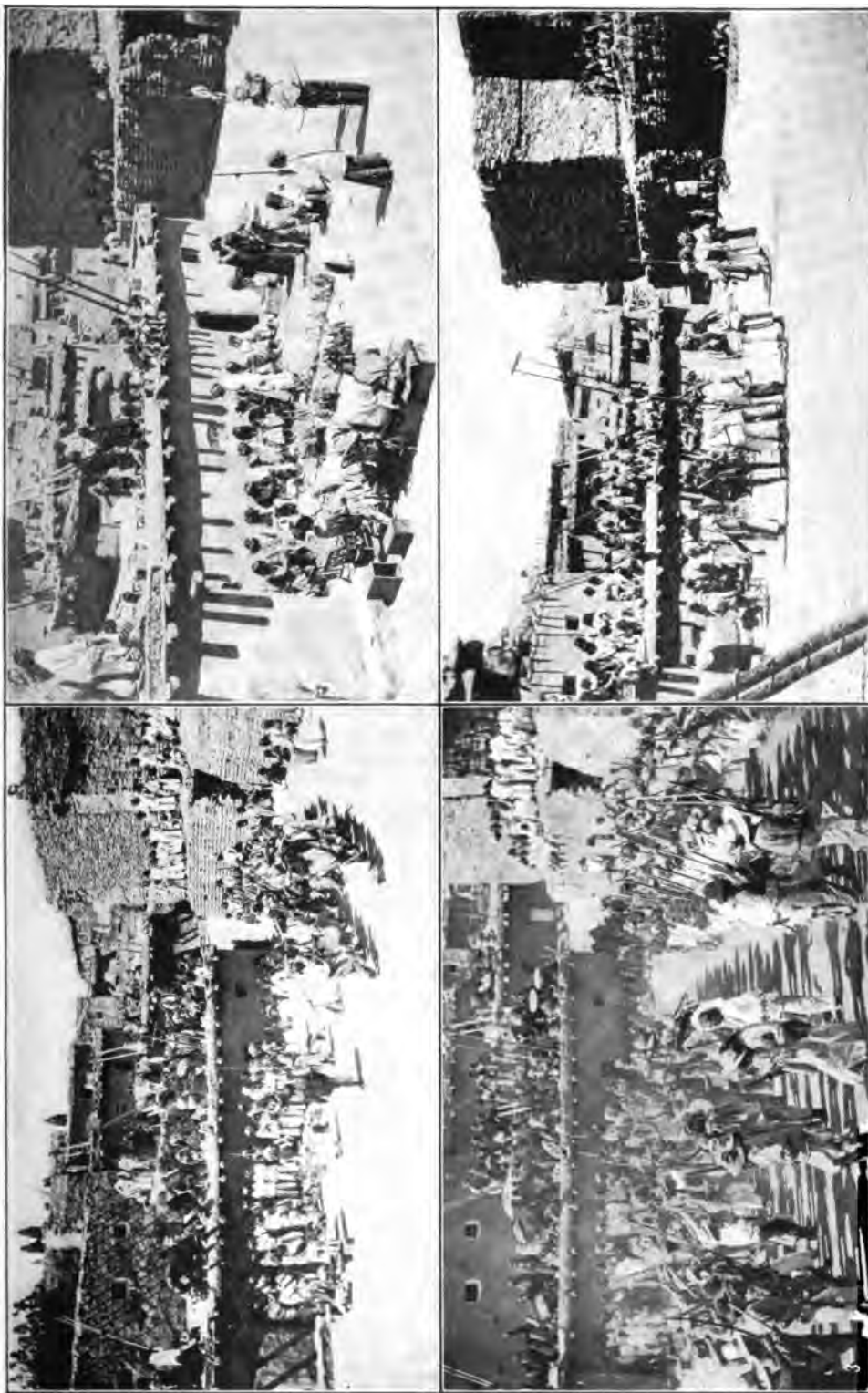
Games, Recreations, Etc.

When peoples like the American Indians and the energetic Europeans who began the colonization of the New World met, in the northern hemisphere, it was natural and inevitable that they should influence one another in those activities of physical life, represented by games, recreations, sports, and pastimes. This must be true to a still greater extent when one of the peoples concerned was the vigorous and play-loving Anglo-Saxon, eager to add to his already somewhat lengthy repertoire new experiences in the joy of feeling alive. But all the European peoples who helped lay the foundations of the United States—English, French, Spanish, Dutch—have shared in this borrowing from the aborigines, who dwelt in the land before them. The abundance and variety of the native games of primitive America have been demonstrated by Culin, in his notable monograph on *Games of the*

North American Indians, where will be found recorded and described not only those which are of indigenous origin and peculiar to this continent, but those, likewise, which have been taken over by the whites from the Indians and those which the latter have adopted from the former.

Of all the games indulged in by the Indians of the region now constituting the United States and parts of the Dominion of Canada, none were more common or more widespread than games of ball, which were played with great zest and skill, both as sports and as performances of a more or less ceremonial character, by numerous tribes belonging to the Algonkian, Iroquoian, Muskogean, and Siouan stocks. Famous for ball-playing were the Ojibwa (or Chippewa), the Choctaws and the Cherokees, the Hurons, Mohawks, Senecas, etc., with all of whom the white came early into close contact. There seems to be no doubt that the game of ball known in Canada, and now generally throughout the English-speaking world, as *lacrosse*, and in Louisiana as *raquette* (i. e. racket), was borrowed by the whites from the Indians, the adoption occurring quite separately in the North and in the South. In the South, the game was taken over by the Louisianian French from the Choctaws, or a closely related people; in the North, lacrosse was first adopted from the Algonkian or Iroquoian Indians by the Canadian French, passing from them to the

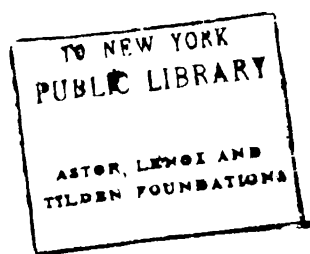
ZUNI INDIAN CEREMONIES.



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1. THE RAIN DANCE.
3. WAR DANCE.

2. PRIESTS PRAYING TO THE GODS OF WAR.
4. HARVEST CEREMONY.



English and other Europeans in the United States and Canada, whence, in the wake of its great popularity as a public athletic performance during the last quarter of the Nineteenth century, it made its way to the British Isles, Australia, New Zealand, and even South Africa, in all of which countries "international games" have taken place from time to time. It is now one of the games played by certain American universities, of both the East and the West. Lacrosse is recognized more or less as the "national game" of Canada. In Louisiana raquette is still played (the "stick" or racket is of the Choctaw type, differing in the shape and quantity of the netting from that employed by the whites further north) by both whites and negroes. Here two rackets are used, one in each hand, instead of a single racket manipulated by both hands, as in the game of lacrosse in Canada, etc. Other things about the game in Louisiana make it certain that it has been adopted from the Indians of the locality, and not imported by French settlers from the North, as some have supposed. Mr. Culin reports witnessing a game of raquette played on Sunday afternoon, in the summer of 1901, between two clubs of French-speaking negroes, the "Bayous" and "La Villes," on a vacant lot, east of the city of New Orleans. In "old Creole days" such games were very common. An interesting example of the persistence of Indian influence

is seen in the fact mentioned by Mr. Culin (p. 605): "Play usually continues until dark, and, at the close, the winners sing Creole songs, reminding one of the custom at the close of the Choctaw game." In the North the game has not, apparently, been able to carry with it any corresponding ceremonial observances, owing to some extent to the more practical disposition of the players in lacrosse-clubs among English-speaking peoples, and to the fact that this side of athletics had in great measure already been provided for. In the South the game is still played by a large number of men on each side (50 or more were quite common with the Indians), while in the North, a certain fixed number (usually 12) is now agreed upon. Taken altogether, the adoption of this ball-game by the whites, in two different sections of the country, its modification by the borrowers, and its spread through them over a large portion of the civilized globe, is a most striking instance of the peaceful influence sometimes exerted upon the European inhabitants of the New World by the "savages" whom they conquered and dispossessed. As J. G. Kohl (p. 88) says, in his suggestive book of wanderings about Lake Superior, called *Kitchi Gami* (London, 1860): "The name of the ball-play is immortalized both in the geography and history of the country. There is a prairie, and now a town, on the Mississippi known as the 'Prairie de la

Crosse.' " The town in question is now the city of La Crosse, Wisconsin. Its site was the spot on which, after the winter's hunt, the Winnebago Indians used to meet for the purpose of playing their favorite game, as a sort of spring festival. Mr. R. G. Thwaites (cited by Culin, p. 616), writing in 1892, states that the Wisconsin Winnebagoes are not known to play it nowadays, and styles it "the vigorous game of lacrosse—nowadays familiar to patrons of state and county fairs of this section at which professional bands of Chippewas exhibit their skill." Canada, too, has her Indian lacrosse-clubs serving the pleasure of the white population in similar fashion. Lacrosse has also figured in the history of the wars between the races, for it was under the guise of a ball-game that the Indians concerned in the famous "conspiracy of Pontiac" in 1763 sought entrance into Fort Mackinaw for the purpose of exterminating the English.

In various sections of the country the intermingling of the children of the Indians and the European settlers in plays and games was common at times, and, doubtless, the young whites carried on from generation to generation many things, which, with the gradual disappearance of the Indian population, found no permanent lodgment in the final stock of American culture. But, while playing with the Indian ceased, "playing Indian" is still common with white children,

and has even been given exaggerated-pedagogical significance by a certain educational school of the day. In the games and songs of our children, the Indian is occasionally remembered, as, e. g., in one version of the counting-out or daisy rhyme:

"Rich man, poor man,
Beggar man, thief,
Lawyer, doctor,
Indian chief."

A number of the most characteristic sports and recreations of the white population of North America would have been impossible but for the previous existence of Indian inventions and activities out of which, directly or indirectly, they arose. Here belongs the interesting and invigorating exercise of snow-shoeing, which, in Canada and some parts of the United States, has now become a pastime of great social importance. The canoe and the toboggan also enter largely into American sports and pleasures in summer and winter respectively; and to the aboriginal ideas have recently been added the "water-toboggan" and light canoes for women only. And for the leisured classes in general, the summer and winter outings, "camps," hunting and fishing trips, denominated "rest and recreation," owe not a little of their pleasures and their satisfactions to ideas that hark back to the original possessors of the soil. After centuries of European civilization, "turning Indian for health's sake" is not at all uncommon.

It can hardly be said that the white man has done as much for the Indian in the matter of games and recreations, in making him acquainted with horse-racing, a few varieties of baseball (e. g., among the Navahos), a few games played on boards or diagrams, playing-cards, etc. The Navaho game of "base-ball" is cited by Culin as an excellent example of "absorbed European ideas, which have in time become difficult of recognition as foreign in origin" (p. 789).

The Indian as a Subject and an Inspiration
in Literature, Art, Etc.

Of necessity, a race that to-day, north of the Rio Grande, still numbers several hundred thousand, after all the vicissitudes of four centuries of contact and conflict with the whites; a race that has produced during that period, in the United States and Canada alone, such interesting and remarkable figures as Popé (the Pueblos leader), Pocahontas, Hiawatha (the Iroquoian statesman and reformer), "King Philip," Pontiac, Tecumseh, Red Jacket, Black Hawk, Nez Percé Joseph (whose skill as a warrior and a general and whose faithfulness in peace alike won admiration), Joseph Brant, and many more; a race that has mingled so freely with our own — a race of this kind must appeal to the historian, the poet, the painter, and the sculptor. The romance of Pocahontas, the campaigns of Philip, the conspiracy of Pontiac, the retreat of Joseph, the

dreams of Hiawatha, and other events and situations real or imagined, in the history of the Indians, could not fail to be of literary and artistic value. The list of novels and other works of fiction dealing with the Indian is now very long; and there are many dramas and some operas of which he is also the theme, the last of which to be presented in Europe,* Nevin's "Poia," is based upon a legend of the Algonkian Blackfeet. Many of our poets have treated of the American Indian, and in Longfellow's *Hiawatha* we have what has been called his epic in English. But in it, through uncertain knowledge, the poet has mingled the myths of Manabozho, the hero-god and the trickster of the Algonkian tribes of the Great Lakes, and the deeds of Hiawatha, a celebrated Iroquoian reformer and statesman — a feat almost equivalent to a Chinese poet confusing the legendary Jove with the real King Alfred in an Oriental composition. The beginnings of more accurate things are to be discerned in such works as Miss E. D. Proctor's *Song of the Ancient People*, wherein is related the story of the Pueblos Indians.

To the artist, the physical perfection of some of the Indians appealed in most striking fashion. Parkman, in his *Oregon Trail*, tells us that he could almost see in Mad Wolf, "the Pythian Apollo" himself; and Ben-

* In America, Victor Herbert's Indian opera, "Natoma," was produced in 1910.

jamin West, on first seeing the Belvedere in the Vatican, is said to have exclaimed, "By heaven, a Mohawk!" Great numbers of painters, engravers, and sculptors (and in our day the photographer's art is added) have taken their subjects from the world of aboriginal thought and action, from him, who in 1576 depicted the lineaments of an Eskimo brought over to England by Frobisher, to De Bry and the later Catlin, whose gallery of Indian paintings is now the property of the nation. To-day artists are turning more and more to Indian subjects, not merely because of the increasing demand for statues and other memorials of Indian worthies and historic figures, but also by reason of the attraction of the theme itself. The artists who have dealt with the Indian are the subject of a recent article by Dr. ten Kate, the anthropologist, in the last number of the journal *Anthropos*. The photographic work of E. S. Curtis, in his monumental work on *The American Indian* (1907) is most remarkable. Many cities and towns now possess statues and other artistic remembrancers of the "great and good" Indians of the past. Among such monuments are those to Uncas, in Norwich, Conn.; Thayendanegea (Brant), at Brantford, Ont.; Logan, at Auburn, N. Y.; Pushmataha, at Washington, D. C.; Cornstalk, at Pt. Pleasant, W. Va.; Tomochichi, at Savannah, Ga.; Osceola, at Ft. Moultrie, S. C.; Red Jacket, at Buffalo, N. Y.;

Sacagawea, "the mother of Oregon," at Portland, Oregon; Pocahontas, on Jamestown Island, Va. Foreign artists, too, like those who accompanied Prince Maximilian and others following in their wake, including Millet, have touched "the American savage."

Race-Mixture and the Future of the Indian.

The late Commissioner of Indian Affairs, Mr. F. E. Leupp, concludes his discussion of *The Indian and his Problem* (1910) with the opinion that the future of the red man is absorption into our race, adding that, "regarded in its broader aspects, the intermarriage of Indians and Caucasians has nothing to condemn it," and besides, "there is no barrier of race-antagonism to overcome, for the Indian and the white mingle everywhere on a legal and social equality; and the offspring of such a marriage derives from each of the parent races certain traits which work well in combination." The American Indians have lost in numbers by wars (especially intertribal ones, made easier more or less by the gifts of horse and gun, tomahawk and scalping-knife of European origin), through disease (particularly alcoholism and the epidemics, etc., introduced by the whites), etc., but the chief cause of his "disappearance" has long been amalgamation with the white race. This is seen in the long series of notable individual marriages from the "royal" one of the "Princess"

Pocahontas and the Englishman, Rolfe, to the union in 1891 of Dr. C. A. Eastman, the Santee-Dakota, with Miss Elaine Goodale, of Massachusetts; and in the existence, particularly in the Canadian Northwest, of so large an element of mixed bloods (French, Scotch, and English) who had so much to do with the development and the building up of the country, and whose descendants are now among its most influential and respected citizens, figuring prominently in every activity of life. In the section of the United States from Lake Huron to beyond the Rockies the mixture of races has also been great, and in like manner socially and politically significant. In the Province of Quebec, portions of New Brunswick, etc., it has been common and important in the history of those sections of the country. The amount of white blood (due in part to captives in earlier days) in some of the Indian tribes, Algonkian and Iroquoian in particular, is large indeed—some can count hardly a single full-blood at the present moment—and the prominence of the “squaw-man” but suggests the extent to which the races mixed in the old Indian Territory now merged in the new State of Oklahoma, where the process is going on even more rapidly than before. The blood of Pocahontas flowed in the veins of John Randolph and many other less celebrated individuals; the Congress of the United States to-day contains both Senators and Represen-

tatives in part of Indian blood; and among the Abenakis of Maine one could find descendants of the famous Baron de Castine. The Canadian Province of Manitoba had a half-breed premier, John Norquay. And to the presence of an admixture of white blood in the Cherokees of the Carolinas, Mr. Mooney is inclined to attribute much of the remarkable progress made by them. Sequoyah, the “American Cadmus,” who invented the “Cherokee alphabet,” still in active and extensive use among the “civilized tribes” of Oklahoma, etc., was the son of a Cherokee mother and a “Dutch” (i. e., Pennsylvania German) father. The complete history of the mingling of the Indians and the whites in North America is yet to be written, but enough is already known to make it certain that the amalgamation has been more extensive and more important than is generally thought to be the case.

Some formal recognition of this factor in the history of human civilization in the United States and Canada will, doubtless, be made at some future time. What could be better in this respect, than some memorial to the idea of federation as exploited by the Indians, and the efforts of Hiawatha (ca. 1570, A. D.) to band together the various Indian tribes into one everlasting warless brotherhood. In truth, the first great peace-congress, consciously and deliberately organized by the genius of one indi-

vidual, was held, not at The Hague in our day, but beside the blue waters of Ontario centuries ago.

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THE MOUND BUILDERS AND CLIFF-DWELLERS *

Connection of Mound Builders with other peoples — Mounds recognised as Indian burial places — The work of Squier and Davis — Conical mounds — Pyramidal mounds — Effigy mounds — Shell heaps — "Garden Beds" of southern Michigan — Large and small geometric enclosures — Irregular defensive enclosures — Prehistoric copper mines — Flint quarries — Grave Creek mound — North Carolina mounds — Mounds in Ohio — Deductions — The Cliff-Dwellers — The Casa Grande — The Mesa Encantada.

THE MOUND BUILDERS.

Artificial mounds belong to every age and almost every country. As soon as primeval man learned to use a stick for digging and a skin for carrying, he could pile up earth or stones. The custom, early begun, survived into all the nations of antiquity, in some cases to well within the Christian era. As inchoate civilization emerged from barbarism, and crude conceptions of government and religion began to take definite form, strictly utilitarian features gradually blended with others of symbolic or occult nature. A slight covering to protect a corpse from wild beasts foreshadowed the great tumulus; from a little heap of earth to raise a hut out of the mud evolved immense foundations for temple and palace. No monument can be more enduring; and thus do we know that man has built mounds whenever and wherever he has lived. Consequently, theories advocating relationship, or tracing lines of migration, or seeking to

prove descent, among peoples or races in different parts of the world, when based solely upon a practice so widely prevalent, are, from the nature of the case, untenable. Particularly is this true in regard to Mound Builders of the Mississippi Valley. The simpler structures erected by them resemble such works in other parts of the world only as any ordinary pile of earth or stones will resemble any other. When this limit is passed, when search is made for types to correspond with their elaborate enclosures or their large mounds which depart widely from common forms, it is found that such do not exist elsewhere. All these works, from the simplest to the most complex, appear to follow a line of continuous evolution which nowhere touches a similar line. There is no evidence that the Mound Builders are connected as either ancestors or descendants with people even as near at hand as Cliff-Dwellers or Aztecs; the Rocky Mountains and Great Plains seem to have always formed an impassable barrier to considerable movements between East and West. Assertions of the

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derivation of those in one section from those in the other are based upon fortuitous resemblances which might be used with equal value in various other directions; or upon the occurrence in eastern or northern mounds of objects which show undeniable indications of Mexican origin. The latter consist mainly of thin copper plates, or sea-shells, or other minor objects, impressed or engraved with complicated emblematic figures. They are few in number, light in weight, widely scattered in locality; and could easily be procured from traders, such as ranged the entire country within historic times, and transported small articles in traffic for hundreds, even thousands of miles. So the mounds of the Mississippi valley must be regarded as the work of a people who acted entirely upon their own initiative, and concerning whose pristine habitat and affiliations nothing is known.

The caption of this paper properly covers all prehistoric aboriginal structures of earth, stone, or shell, east of the Great Plains; for such is the ordinary, or popular, conception of the term.

From the first, small mounds along the Atlantic slope were recognized as Indian burial places; no other interpretation was necessary. When explorers of the wilderness region between the Appalachians and the Mississippi brought back statements in regard to the number and magnitude of mounds, the form and extent of

earthworks, which found no parallel elsewhere, those who assumed that the American Indian had never been different from the hunter and warrior they knew him to be, felt impelled to look beyond him for a constructor capable of such a task. Others, willing to concede to the Indian a more industrious temperament when he had a motive for exercising it, could see no reason for not crediting him with all the remains, large or small, the difference being only in the amount of work involved. The former theory, having the merit of invoking the unknown and mysterious, was advocated by a majority. As more elaborate reports came in from time to time, based generally upon incomplete examinations and deducing conclusions from data which have not withstood later analysis, there gradually arose a belief in a more cultured race antedating the Red Indian.

In the middle of the Nineteenth century appeared the great work of Squier and Davis, *Ancient Monuments of the Mississippi Valley*. The illustrations it gave of enclosures in Ohio and adjoining States, the description of these and of apparently similar works elsewhere, the results of excavations, the figures of artificially wrought objects obtained from mounds, all betokened a stage of progress greatly beyond the achievement of known Indians north of Mexico. This volume gave encouragement and impetus to succeeding

writers, who soon evolved a great empire, densely populated, highly civilized, dominating the entire country from the Atlantic Ocean to the Rocky Mountains, from Canada to Mexico, with a fully organized system of religion and government, and subject to one central authority whose seat was, presumably, in the Scioto Valley. This view, stimulating to imagination, met with general approbation; but there were always some who could present cogent reasons for dissenting from it. Within the past quarter century methodical investigation has shown such marked variation in size, design, outward appearance, interior arrangement, and contents, of structures in different sections, as to compel the disruption of this mythical nation into many unconnected tribes whose relationship to one another, if indeed there be any, is very doubtful and obscure. Works of distinctive character are mostly confined to somewhat limited areas; typical forms are rarely found more than about a hundred miles from where they are most common. In other words, a district of about two hundred miles across will, as a rule, contain earthworks much resembling one another but quite different from those of any other district of equal size; though in a few instances a single structure or a small group occurs in a locality quite distant from others of its kind. Conversely, mounds near together may be so unlike as to make the conclusion un-

avoidable that they pertain to alien tribes. Small mounds of earth, or stone, or both combined, intended merely for a covering over the dead, are outwardly so much the same that it would be quite natural to consider them the work of one people; but the great diversity in character and arrangement of their contents shows that resemblance is not intentional but due to material and methods of utilizing it. The same is also true of many large mounds.

Mound Builders' works may be considered under two general heads—mounds and enclosures.

Mounds.

The most satisfactory basis for classifying mounds is their form. There are three principal types:

(1) *Conical*.—These rise in a gradual and quite uniform curve from a circular base to a central summit. Dome-shaped would be a better term. They range from less than two feet to nearly seventy feet in elevation. The diameter, where undisturbed by cultivation, is never less than four and from that to ten times the height. Nearly all are built of earth, though a few are entirely of stone, while some are composed of both materials. Along the southern Atlantic and Gulf coasts many are built of shells. North of the Potomac and east of the Alleghanies scarcely any are found; in Virginia they reach well toward tide-water, and thence extend to and throughout all the States as far as

Minnesota and Louisiana, rapidly diminishing in size beyond the Mississippi. Sometimes the base is elongate, making the mass half-ellipsoidal or half-ovoid. Conical mounds almost invariably contain human remains. Usually bodies were placed directly on the natural surface; sometimes a grave was dug. Burials also took place as the work progressed. The volume of earth has no relation to the number of interments; one of the larger mounds of Ohio covered a single skeleton, while in Virginia nearly 400 skulls were found in a very small one. A few of the largest conical mounds have truncated summits.

(2) *Pyramidal*.—These are mostly quadrilateral (the opposite sides not always even approximately equal), though a few are pentagonal or hexagonal in outline. The sides are commonly as steep as earth will stand and in most of the larger ones the top, always truncated and practically level, is reached along a gentle slope starting at some distance from the base. Dimensions vary greatly; some are not more than six feet high and 50 or 60 feet across, while the great Cahokia Mound at East St. Louis is nearly 100 feet in height and covers about 16 acres. Many have a terrace or platform on one or more sides; where more than one terrace, they are generally at different levels. Each terrace possibly represents a plane at which construction ceased for a time and was renewed on a smaller scale.

North of the Ohio River this form is found only at Marietta, O.; Evansville, Ind.; and in the vicinity of St. Louis. The few others in northern States are low, small, and have no approach. With these exceptions the type is confined to the region from eastern Tennessee to southern Missouri and south to the Gulf. Their purpose, in part at least, was to provide an elevated place for an important building; protection from floods; perhaps a refuge from foes. A few skeletons and relics are reported in some, nothing in others; a small one at Etowah, Georgia, seems intended for a tumulus.

(3) *Effigy*.—These, almost invariably of earth, crudely resemble the outlines of various animals; the species can seldom be determined. Some so-called "human" figures are probably attempts to portray flying birds. They exist by thousands in the territory for fifty miles around the mouth of the Wisconsin River, beyond which limit they rarely occur; the most notable exceptions are the Serpent and the Opossum of Ohio, and the Eagle of Georgia, the latter entirely of stone. Associated with the Wisconsin effigies are straight embankments from 50 to nearly 1,000 feet in length and three to five feet high; also long rows of small conical mounds sometimes joined together by low ridges. No hint of their purpose has resulted from explorations in the effigies.

Shell heaps are numerous from the head of Chesapeake Bay around the coast to the west part of the Gulf, also along some of the interior rivers where mussels abound. Most of them are "kitchen refuse," extending sometimes for miles; others are mounds similar in construction and use to those of earth.

The "Garden Beds" of southern Michigan are narrow raised ridges from one to three feet high, separated by passageways, and forming plats usually rectangular but sometimes circular. Occasionally they include a hundred acres, though generally much smaller. Their apparent use is to prevent flooding of crops. They have no resemblance to low mounds abundant from Missouri to Texas, to which some writers have assigned a similar use.

The term "lookout" or "signal" applied to mounds on high hills is a misnomer; they were not so used.

Enclosures.

Enclosures comprise all embankments of earth or stone which surround a definite area. There is usually, but not always, a ditch, mostly interior, sometimes exterior, rarely one on each side. Double or even triple concentric walls, with ditches, exist. Enclosures come under three heads:

(1) *Geometric*, with two subdivisions:

(a) *Large*; approximately square, rectangular, circular, elliptical, or

rhomboidal; confined to southern Ohio, and adjacent parts of Kentucky, West Virginia, and Indiana; always on fertile, level land, accompanied by mounds and village-sites. The walls are sometimes ten feet high, with a corresponding ditch. Incorrect statements early led to a belief in the mathematical accuracy of their lines and angles. Careful surveys have failed to reveal one thus constructed, though in some cases the departure is very slight; the diameters of one square vary only 2 feet in 850; and one circle with a radius of 950 feet diverges only four feet from a true line. In other cases, however, the error is 10 per cent or even greater. Many theories have been advanced to explain these works; all meet with objections.

(b) *Small*; similar in form to the above, but of wider distribution; seldom as much as 250 feet across from outside to outside; always with the ditch interior when there is one; often with a mound on the included level area; with one opening, usually toward the east, sometimes to north or south, seldom west; located from low bottoms to highest uplands; in groups, or singly miles from any other works. They no doubt mark the sites of communal dwellings, council houses, or lodges, according to size and situation.

(2) *Hill-top Forts*.—This division includes, here, only the great structures of southern Ohio, situated on high isolated peaks, or precipitous

ridges; usually having an interior ditch. They seem to be in some way connected with the large enclosures, though often many miles from the nearest group. Some are altogether of stone; typical is that in Ross county, enclosing 140 acres. Others are mostly or entirely of earth, as Fort Ancient, whose walls are more than three and a half miles long and in some parts 19 feet high.

(3) *Irregular Defensive*.—These embrace all protective works, from a straight wall across a high promontory or a bend in a stream to combinations of rudely elliptical or circular enclosures with wing walls and supplementary banks or ditches covering many acres. Topographical features largely determine their form and extent; main embankments commonly follow contour lines, extensions go where needed. They abound from Canada to the Gulf, from New England to the middle Missouri River, though of course unequally apportioned. Clearly intended for safeguarding villages within or near them, their moderate height denotes the use of palisades as among Iroquois and other modern tribes.

Prehistoric Copper Mines.

Among recent discoveries was that of a prehistoric copper mine on the Isle Royale in the northern part of Lake Superior. These mines were worked many years before Columbus was born, by the prehistoric races who procured from them metal for

their implements and ornaments. The copper occurs there in masses of the pure or "native" metal, embedded in the volcanic rocks, and the primitive miners were accustomed to dig it out with no better tools than stone sledges. Although the island is not adapted for human habitation, tribes from all the surrounding country gathered there in ancient times for the purpose of obtaining the precious material. In order to find it a great deal of "prospecting" had to be done, and thus the surface of the hills to-day are everywhere found covered with old pits and trenches, partly filled up and overgrown with pine forests. In these ancient holes are discovered numerous stone implements which bear the marks of use as mining tools. So thickly are such rude tools scattered about that not less than 50,000 of them are to be seen on the surface of the ground, affording an illustration of the extensive character of the work that was carried on. The copper was sometimes found in masses so big that they could not be removed, and many such gigantic nuggets of pure metal have since furnished bonanzas to the whites, who for years made a business of exploring the old workings in search of them. One nugget weighed 12,000 pounds, and because it was not practicable to cut it up or blast it into pieces it had to be conveyed bodily to the lake shore and carried away in a vessel, requiring much ingenuity and the best mod-

ern appliances for the successful accomplishment of the task. When the natives came across such a mass of copper, the best they could do was to break off a few projecting pieces of it. The business of prospecting for such abandoned nuggets was finally given up by the whites, because they ceased to find enough of them to pay, although more than 1,000 pits remain untouched by them. After the miners of antiquity had got the copper, they hammered it into tools and ornaments, which were carried to all parts of North America and distributed by trade. Such articles, for which the material was originally obtained from Isle Royale, are found to-day in mounds and graves throughout this country and not infrequently as far away as Central America.

Flint Quarries.

In Arkansas is a prehistoric quarry where flint for making into tools and weapons was procured on so extensive a scale that in places the hills and mountains have been actually remodeled by the pittings and trenchings. From one hillside it is estimated that upward of 150,000 cubic yards of flint have been removed and worked. Another locality explored in Indian Territory yielded for the purposes of the aborigines a chalky kind of flint, which was procured in enormous quantities for making large implements, such as hoes and other agricultural tools, and also knives that were very long, slender and thin.

It was useful to select pieces of best quality for the manufacture of knives, just as nowadays the finest steel is employed for cutlery. A third great quarry in Ohio, near Newark, worked on a very extensive scale, supplied a beautiful flint of fine grain for arrow-points and spear-heads. It furnished with these articles an extent of territory equal to a half dozen States, and they are found to this day as far south as Tennessee and as far east as New York.

The Grave Creek Mound.

One of the most interesting mounds of North America is that known as the Grave Creek Mound, located twelve miles below Wheeling, W. Va., on the left bank of the Ohio River, near Moundsville. The mound is situated on an elevated table-land, and is an artificial truncated mound, some 70 feet high and 900 feet in circumference at its base. The mound was built by a race superior and previous to Indians, and is the most notable mound in the Ohio Valley. Its cubic contents are equal to the third pyramid of Mycerinus, but was heaped up by a people destitute of the knowledge of iron, and who had no domestic animals or machinery to aid them. They were evidently people like the Egyptians, ruled by some one monarch, who was able to combine vast numbers in the erection of one structure, and, at the same time, able to provide them with food in abundance. The mound builders cul-

tivated the soil like Egyptians, and had maize for their food, as the date and leek and onion supplied the wants of the laborers on the Nile. No Indian was ever known to toil in this manner. No government existed among the Indians that could bring them to such servitude. The authority of a chief or sachem is too slender a thread for such a people. It must be remembered that in Egypt to build one of the pyramids required the labor of 360,000 men for twenty years. This mound was visited by white men at a very early date, for, in 1818, one of the large trees growing on the mound bore the date of 1734, and several names cut in the bark were yet distinguishable. A. Tomlinson, the owner of the mound, was induced — by his neighbors and friends in Wheeling — to open the mound, which he did in 1838. From the north side he excavated toward the centre an adit 10 feet high and 7 feet wide along the natural surface. At the distance of 111 feet he came to a vault that had been excavated in the earth before the mound was commenced; 8 feet by 12 feet square and 7 feet in depth. Along each side, and across the ends, upright timbers had been placed, which supported timbers thrown across the vault as a ceiling. These timbers were covered with loose unhewn stone, common in the neighborhood. The timbers had rotted, and the stone tumbled into the vault. In this vault were two human

skeletons, one of which had no ornaments. The other was surrounded by 650 ivory beads and an ivory ornament about six inches long. A shaft was also sunk from the top of the mound to meet the other. At 34 feet above the first or bottom vault, was found another, similar to the first. In this vault was found a skeleton which had been ornamented with copper rings, plates of mica, and bone beads. Over 2,000 disks cut from shells were found here. The copper rings, or bracelets, found, weighed about 17 ounces.

North Carolina Mounds.

In 1880, about four miles from Wolf Creek, North Carolina, a mound eight feet high was found and opened. After digging to the surface of the earth on the edge, the investigators went through to the centre, and found a skeleton. After getting out 54 bones, including the skull and chest, they traced him out to get his length. He was, as nearly as could be determined, seven feet in length. From the appearance of his jaw-bone, he must have been a very large man. Nothing else was found except a small rock that had been broken, about three inches long, perfectly smooth, and with a small hole through it, which it is supposed was used for a pipe-stem. Around the skeleton was a row of burnt rock; under this ashes and fire-coals.

Mounds in Ohio.

While mounds are common throughout the Mississippi Valley, Ohio is most prolific in these remains. It has been estimated that over 10,000 mounds have been found and over 500 examined in the district between Lake Erie and the Ohio River. On Kelley's Island in Lake Erie, not far from Toledo, are many evidences of a prehistoric people and numerous mounds are to be found there. The serpent mound near Peeble's Station, Adams County, Ohio, is one of the most unique and interesting relics of the mound builders. It is an earthen structure in the form of an immense serpent, some 1,300 feet in length. Near Canal Winchester, Ohio, in a large mound was found a collection which consisted of 54 copper pieces representing button-shaped ornaments, celts, large plates, and bracelets. All had been hammered together evidently to destroy their identity. Some of the plates if straightened out would measure eight and one-half inches long and four inches wide. With the copper pieces were found five broken pieces of slate ornaments and 34 pieces of galenite, and over all were placed quantities of mica in sheets, and all were found one foot below the surface and placed within the space of 18 inches by 24 inches. The Butcher Mound, so called from W. C. Butcher, is located near Homer, Ohio, on the Licking River. It is 500 yards from the river,

upon a level plateau, 15 feet above the river bed. On the north side of the mound is a large walnut stump, three feet nine inches in diameter. Large maple trees are growing upon the mound, the largest being 18 inches in diameter. The top of the mound is perfectly flat, forming a platform having an area of more than 1,600 square feet. The mound is 13 feet high and 135 feet in diameter north and south, and 126 feet in diameter east and west. In this mound was found a skeleton, that of an adult, buried one foot below the surface and covered with 96 small granite boulders averaging five inches in diameter. The skeleton was badly decayed and only a few pieces of ribs and vertebrae could be saved. The evidence obtained from the exploration of this mound is sufficient to justify the conclusion that the mound was built for burial purposes, and in some religious ceremony the body or bodies were cremated in the large fire-pit in the centre of the mound. In a swamp near Copley, Summit County, Ohio, is a large mound 200 feet wide, surrounded by a ditch 13 feet across. This has been named Fort Island. Similar ancient earth forts, with exterior ditches, are often seen in Ohio, occupying the crown of a hill. By flooding the swamp this would become an island, equally accessible, as a precipitous hill. The race of ancient earth builders thoroughly appreciated the military advantages of posi-

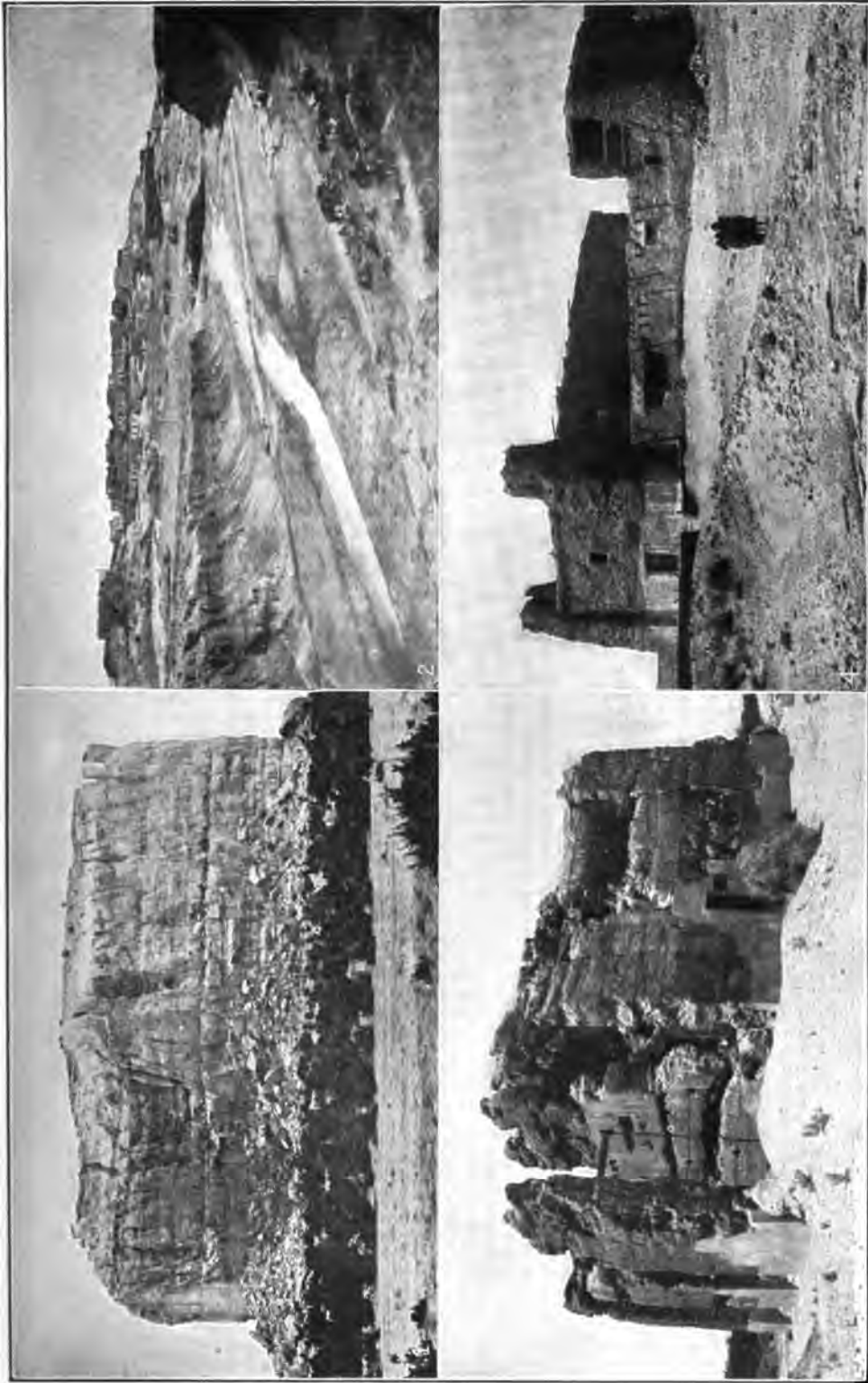
tion. In Florida the Spaniards found Indian stockades surrounded by running water. Champlain found similar works among the Iroquois in 1513, which he attacked in the Valley of the Onondaga.

Deductions.

The Mound Builders were not one nation, or even one community, but comprehended many different tribes, each of which had its own territory. There was not a dense population except in certain very limited areas. Their towns were no larger than many Indian settlements in the Eighteenth century. Large tracts were practically unoccupied. They lived like Indians. They had no alphabet. They could not build a stone wall that would stand without support. They had no beast of burden, no domestic animal except the dog. They never walled up a spring. They had not the potter's wheel. Cement or mortar was unknown. They had no corn mill as serviceable as a Mexican metate. They could not work any metal except as a stone to be rubbed, chipped, or beaten into desired forms. Their agricultural implements were of stone, shell, bone, and wood. Their most efficient cutting instrument was a flint. Tools, implements, and ornaments were laboriously chipped, or rubbed into form with gritty stones. Their pottery was inferior to that from the Pueblo region. Their flint work was not equal to that of the latter-day Northwest Indians or in

the stone graves of Tennessee. Their shell work was behind that from Indian graves along the eastern coast. In pipes alone did they excel, and this only in a special locality. In symmetry and finish, relics from mounds do not surpass similar, unweathered, objects from the surface or from modern graves and village-sites. Earthworks were built by gathering material at convenient spots in baskets or skins holding about half a cubic foot, and dumping it where needed. A mound 20 feet high and 100 feet in diameter could be built in 20 days by 100 men, each carrying one cubic yard a day. Mound building evidently extended through many centuries. Small tumuli around the Great Lakes contain articles procured from whites, some of them quite recently. De Soto found heavy embankments surrounding "very high mounds," some of them "large enough to give room for twenty houses" on the top, all erected by the natives then living on them. On the other hand, not one of the large mounds of the Ohio valley has yielded any European object not intrusive. Weight of evidence warrants the assertion that prehistoric builders of northern mounds were American Indians of the same status as the agricultural Indians of the Gulf States who built mounds less than four centuries ago. They were more advanced than the roving hunting tribes encountered by pioneer whites.

PREHISTORIC REMAINS.



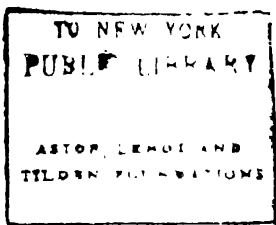
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1. MESA ENCANTADA, NEW MEXICO.

2. CASA GRANDE, ARIZONA (from southeast)

2. PUEBLO OF LAGUNA, NEW MEXICO.

4. CHURCH AT PUEBLO OF LACOMA, NEW MEXICO.



CLIFF-DWELLERS.

The name Cliff-Dwellers is generally used to designate a race of Indians formerly living in the cliffs scattered throughout the canyons and mesas of the Southwest along the upper waters of the Colorado and Rio Grande—in Utah, Colorado, Arizona and New Mexico—and the ruins are either upon the summits of the mesas or on shelves on the rocky walls of the canyons. The origin of the Cliff-Dwellers has for a long time been the subject of speculation, but investigation has proved that these ruins are not the work of any extinct or distinct race but were built by the immediate ancestors of the Pueblo Indians, some of whom, notably the Hopi, still have their villages upon the summits of these mesas.

The homes of the Cliff-Dwellers were built in the recesses of these cliffs at a height often several hundred feet from the ground, at the present time seemingly inaccessible, as the paths used by the Cliff-Dwellers have been obliterated. The dwellings may be divided into two types: first, habitations built in niches or clefts in the rocky walls, and second, domiciles excavated in softer beds between hard ledges in the clefts sometimes called "cavate lodges." The habitations sometimes consisted of many rooms, and in some cases were two or more stories in height, hewn in the rock, with wooden lintels in the doors and windows and probably closed with skins or blankets.

The walls were finished with plaster made of clay. It is not known exactly how the inhabitants subsisted, however, though undoubtedly by hunting and fishing, for the soil about these localities is barren and unproductive. Among the more important of the remains of the cliff dwellings are the Casa Grande, the Mesa Encantada, and the Mesa Verde.

The Mesa Encantada, or enchanted mesa, called by the Indians "Kat-zimo," is situated in west central New Mexico near the village of Acoma. It is a perpendicular sandstone wall rising from the grassy plain, is about 2,050 feet long, and from 100 to 300 feet wide; the sloping talus is 100 to 200 feet in height, and the perpendicular wall rises to about 430 feet above the plain. The summit is nearly level and consists of a hard rock, very much weather beaten and supported by a few stunted cedars. There is a tradition among the neighboring Indians that their remote ancestors once inhabited the summit. An artificial stone monument, several fragments of pottery, and some stone implements have been found at the top.

The Mesa Verde is a plateau 15 miles long and 8 miles wide situated on the right bank of the Mancos River in the southwestern part of Colorado. Above its talus, 300 to 500 feet high, rises a wall of yellow sandstone, 150 to 300 feet further, the top of the mesa being 400 to 800 feet above the plain. The rocky walls of the Mesa

Verde are cut up by numerous horizontal ledges occupied by the ruins of ancient cliff dwellings some of which are in a remarkable state of preservation. In these ruins have been found large numbers of stone implements, some mummies, and other prehistoric remains.

The Casa Grande is the ruins of a prehistoric building in Arizona, near the Gila River, within 20 miles of the Casa Grande station. Built of adobe with walls, in some places five feet thick at the base, narrowing toward the top, it is the best preserved structure of a type which was probably widely distributed. The space enclosed by the walls now standing measures about 43 by 59 feet; and the walls, which are high, show that there were three, and perhaps four, stories. There are three central rooms, and two end rooms. A large area surrounding this building is covered with mounds and débris of other buildings, indicating that there was originally a considerable settlement on the site. It was built by a Pueblo or allied race, and the evidence is in favor of the theory that they were the ancestors of the Pima Indians who now inhabit the region. In 1889 Congress made an appropriation for the preservation and repair of the Casa Grande, and the whole area has been made government property. During the removal of the débris a number of specimens of pottery and stone implements have been found. The ruins were seen by Coronado's

expedition and mentioned by Catáneda; they were carefully described by Father Menge, who, with Father Pinto, visited them in 1694 and 1697. John R. Bartlett was the first to give a detailed description of them in modern times in his *Personal Narrative of Explorations and Incidents in Texas, New Mexico, California, Sonora, and Chihuahua* (1849). The best and most recent accounts are found in the publications of the Bureau of American Ethnology (13th and 15th annual reports).

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PREHISTORIC REMAINS.



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1. THE PUEBLO DE TAOS, NEW MEXICO (South side).

2. CLIFF RUINS OF WALNUT CAÑON, ARIZONA.

3. EXTERIOR DETAIL OF THE HOPI BUILDING, GRAND CAÑON OF ARIZONA.

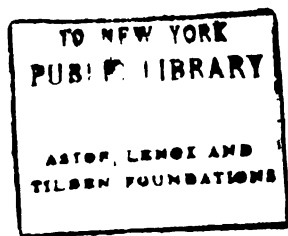
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LECTURES
ON THE
GROWTH AND DEVELOPMENT
OF THE
UNITED STATES



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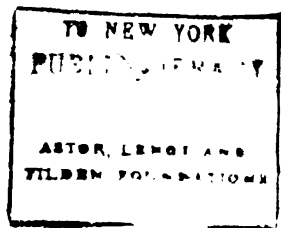
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SERIES TWO

LECTURES FIVE TO SEVEN

The Discovery and Colonization of America, 1000-1689

5. Early Discoveries and Explorations and the Preliminary Steps to Colonization
6. Founding of the First Colonies
7. Progress of the Old Colonies and the Establishment of New Colonies



THE UNITED STATES

CHAPTER I.

1000-1609.

EARLY DISCOVERERS AND EXPLORERS OF AMERICA.

The Northmen — Leif the Lucky — Vinland — Doubt as to settlement by Northmen — Ignorance concerning the "Sea of Darkness" — Christopher Columbus and his early life — His efforts to secure aid for his voyage — Discovers America — Death and Burial of — Amerigo Vespucci and the naming of America — Bull of Pope Alexander VI. — Voyages of the Cabots — Vasco da Gama — Gaspar Cortoreal — Ponce de Leon discovers Florida — Balboa discovers the Pacific Ocean — Fisheries in Newfoundland — Verrazano's description of America — English attempt to colonize Newfoundland — Jacques Cartier enters the St. Lawrence — Cartier and Roberval — Narvaes in Florida — Wanderings of Cabeza de Vaca — De Ayllon in South Carolina — De Soto and the discovery of the Mississippi — Spanish voyages along the Pacific Coast — The Coronado expedition — Occupation of New Mexico, Sante Fé founded — Jean Ribaut — Laudonnière — Melendez massacres French colonists — Gourgues avenges massacre — Champlain founds Quebec — Champlain's battles with the Iroquois — End of his career.

THERE are many claimants for the honor of discovering America before Columbus, the chief among them being the Scandinavians, Welsh, Basques, Irish and Normans, but of these the Scandinavians seem to have the strongest case. As early as 876 it is claimed by the ancient Norse sagas that voyages were made from Iceland to the west and that new lands were discovered in that quarter. To this land, which was called Greenland, Eric the Red is supposed to have led some colonists in 985. In 986 Bjarni Herjulfson claimed to have discovered a new land "flat and covered with trees" about nine days' sail southwest of Greenland. But the discovery upon which the greatest stress is laid is that by Leif, son of Eric the

Red, who in the year 1000 sailed from Greenland to the southwest taking with him 35 companions for the purpose of visiting the land supposed to have been discovered by Bjarni. Touching land "at a place where a river flowed out from a lake," they found large quantities of wild grapes growing there and called the region Vinland (Vineland or Wine-land). These explorers are said to have erected buildings there and to have carried back to Greenland a large cargo of timber. In 1007, the Scandinavian advocates claim, a permanent settlement was made in Vinland by nearly 100 colonists who "had all the good things of the country, both of grapes and of all sorts of game and other things," and soon after trading ships began to ply

between Vinland and Greenland, carrying timber principally. In 1121 Eric Upsi, a Greenland bishop, is supposed to have gone to Vinland and in 1347 a Greenland vessel sailed there for some timber. These references are the last made by the sagas to Vinland.

The spot where the Scandinavians are supposed to have settled is located in various places by different authors who claim the discovery for the Norsemen, but the concensus of opinion seems to be that this spot was somewhere on the coast south of Labrador. As the sagas are not an absolutely trustworthy authority for the voyages, the conjecture cannot be considered as history unless backed by other evidence, such as remains of settlements, etc. It is doubtful if the Norsemen ever established a settlement in America, for if they had there would certainly have remained some vestiges of it such as abound in Greenland.* It is claimed that the old mill at Newport and the Dighton Rock were monuments erected by these early voyagers, but this has been disproved and, as Thwaites says, "it is now safe to say that nowhere in America, south of undisputed traces in Greenland, are there any acceptable archæological proofs of these alleged centuries of Norse occupation in America."†

* John Fiske, *Discovery of America*, vol. i., chap. ii., pp. 148-255, *Pre-Columbian Voyages*, where exhaustive references to original sources are given.

† Rueben G. Thwaites, *The Colonies, 1492-1750*, p. 23, in *Epochs of American History* (copyright

These discoveries and the few or many visits made to Vinland, however, whether authentic or not, made no impression upon the Old World, and the Northmen and their voyages were soon forgotten. Mr. Wheaton observes, moreover, that "there is not the slightest reason to believe that the illustrious Genoese was acquainted with the discovery of North America by the Normans five centuries before his time, however well authenticated that fact now appears to be by the Icelandic records to which we have referred."* Mr. Fiske says: "It is in the highest degree probable that Leif Ericsson and his friends

by Longmans, Green & Co.). See also A. Farnum, *Visits of the Northmen to Rhode Island*, in *Rider's Historical Tracts*, no. 2; G. C. Mason, *The Old Stone Mill at Newport*, in *Magazine of American History*, vol. iii. (1879); J. G. Palfrey, *History of New England*, vol. i. (The Old Stone Mill); Brooks, *The Controversy Touching the Old Stone Mill*.

* Henry Wheaton, *History of the Northmen, or Danes and Normans, from the Earliest Times to the Conquest of England by William of Normandy*, p. 31. See also the *Antiquitates Americanæ* edited by Rafn (1837); R. B. Anderson, *America not Discovered by Columbus* (3d ed., 1883, giving extensive bibliography); N. L. Beamish, *Discovery of America by the Northmen*; Justin Winsor, *Narrative and Critical History of America*, vol. i., chap. ii.; B. F. De Costa, *Pre-Columbian Discovery of America by the Northmen* (2d ed., 1890), and *The Northmen in Maine* (1870); A. M. Reeves, *The Finding of Wineland the Good* (1890); C. F. Slatfer, *Voyages of the Northmen to North America* (1877); E. N. Horsford, *Discovery of America by Northmen*; Joseph Fischer, *Discoveries of the Norsemen in America* (1903); Charles Morris, *Leif the Lucky and the Discovery of Vinland*, in *The Discoverers and Explorers of America*, pp. 9-13 (1906); Julius E. Ollson and Edward G. Bourne, *The Northmen, Columbus and Cabot 985-1503*.

made a few voyages to *what we now know to have been* the coast of America; but it is an abuse of language to say that they 'discovered' America. In no sense was any real contact established between the eastern and western halves of our planet until the great voyage of Columbus in 1492." *

It is undoubtedly true, as Mr. Irving says, "that at the beginning of the fifteenth century, when the most intelligent minds were seeking in every direction for the scattered lights of geographical knowledge, a profound ignorance prevailed among the learned as to the western regions of the Atlantic; its vast waters were regarded with awe and wonder, something to bound the world as with a chaos, into which conjecture could not penetrate and enterprise feared to adventure." † It was considered foolhardy at that time to venture forth upon the ocean for a long voyage and few dreamed of the existence of the vast regions which lay beyond the Atlantic.‡ Undoubtedly much earnest thought had been given to the

subject, but as the calculations of the geographers and astronomers were not based upon accurate knowledge, it was considered presumptuous to suppose that mortal man would ever learn anything concerning that which existed beyond the "Sea of Darkness." The great task of discovery, therefore, did not find a man sufficiently resolute, determined and unflinching to undertake such a voyage until Christopher Columbus made his attempts to open the pathway to the New World.

Christopher Columbus was born at Genoa about 1446.* Though his parents were poor, Christopher succeeded in obtaining a good education at the University of Pavia, where he learned Latin, geometry, cosmography, astronomy and drawing. He was strongly attached to the sea and when fourteen years of age made his first

beyond that 'Sea of Darkness' (*Mare Tenebrosum*) as it used commonly to be called, was a question of little interest and seemed to have excited no speculation. In the view of mediæval Europe the inhabited world was cut off on the west by this mysterious ocean and on the south by the burning sands of Sahara; but eastward it stretched out no one knew how far, and in that direction dwelt tribes and nations which Europe from time immemorial had reason to fear."

* There is much dispute about the date and the place of birth of Columbus, the matter being thoroughly sifted by Fiske, vol. i., p. 342 *et seq.* The date as given is accepted by Muñoz, Harris, Avezac, and Major, but Fiske seems to think that "Washington Irving showed good sense in accepting the statement of the curate of Los Palacios as decisive, dating as it does the birth of Columbus at 1436, 'a little more or less.'" Columbus himself states that he was born at Genoa, and this should suffice as authority.

* Fiske, *The Discovery of America*, vol. i., p. 255 (copyright by Houghton, Mifflin & Co.).

† Irving, *History of the Life and Voyages of Columbus*, vol. i., p. 20. Irving in proof of the statement made above cites a passage from Xerif al Edrisi, a well-known Arabian writer, which is a curious illustration of the views and conceptions held by well-informed men of that day.

‡ John Fiske (*Discovery of America*, vol. i., pp. 255-260) gives what seems to be the true reason for this and on page 261 further says: "Until after 1492. Europe stood with her back toward the Atlantic. What there might be out

voyage under a hardy old sea-captain of the same name as his father. About 1470 he removed to Lisbon, which city, owing to the ability and sagacity of Prince Henry of Portugal, was at that time the chief commercial port of Europe.* Shortly afterward he was married to the daughter of a distinguished navigator, Bartholomew Perestrello (or Bartolommeo de Palestrello) who had founded a colony in Porto Santo, an island that had only recently been discovered.† Perestrello left many charts and nautical instruments and of these Columbus soon began to make use. He also corresponded extensively with Paolo dell Pozzo dei Toscanelli, the famous Florentine astronomer and cosmographer and from him learned much regarding the size and shape of the earth.‡ The *Cosmographia* written in 1410 by Cardinal Pierre D'Ailly, Bishop of Cambria, likewise had great weight with Columbus.

Up to this time the commodities from the East had been transported overland, but as the journey was long, tedious and expensive, much thought had been given to the best way of

shortening the route, for if this could be done it would save an enormous amount of money and bring untold wealth into the hands of the nation which first succeeded in opening such a pathway. Long reflection and study convinced Columbus that it was possible to reach the Indies by sailing directly across the western ocean, and the idea became firmly fixed in his mind that, as the earth was spherical, if he could sail directly west he must in the course of time reach the lands of the east, incidentally discovering any lands or islands which might lie between Europe and Asia.* The current calculations regarding the size of the earth were far from correct, for it was supposed that Asia lay only 3,000 miles to the west, whereas it is 12,000, and that between Europe and Asia lay a vast expanse of water merely dotted here and there with a few islands.

Columbus now reached the conclusion that his calculations were correct and thereupon set himself vigorously to the task of obtaining the means for finding the land of Cathay on the easternmost regions of Asia as described by Marco Polo. "It is singular" as Mr. Irving remarks in this connection, "how much the success of this great undertaking depended upon two happy errors, the imaginary extent of Asia to the east, and the supposed smallness of the

* On the various attempts of the Portuguese to find the Indies, see Fiske, *Discovery of America*, vol. i., pp. 295-334. See also C. R. Beazley, *Prince Henry, the Navigator*.

† Sir Arthur Helps, in his *Spanish Conquest in America* (revised ed. 1900) vol. i., p. 56, says that Columbus married Donna Felipa Muñiz Perestrello, but in a footnote on the same page it is stated that he married "Felipa Moniz, niece of Isabel Moniz, wife of Bartholomew Perestrello, governor of Porto Santo, who died in 1547."

‡ Fiske, vol. i., pp. 355-381 and Appendix A, vol. ii., pp. 571-579.

* See Fiske, *Discovery of America*, vol. i., pp. 279-294, and the references there cited to Marco Polo, Cathay, etc.



COLUMBUS AT THE COURT OF SPAIN.
From the painting by V. Breckinridge in the Metropolitan Museum of Art.



earth; both, errors of the most learned and profound philosophers, but without which Columbus would hardly have ventured upon his enterprise." *

The first monarch to whom Columbus broached the subject was John II. of Portugal, but that king and his advisers, after practicing a dastardly piece of deception upon Columbus, rejected his proposition.† Columbus

* Irving, *History of the Life and Voyages of Columbus*, vol. i., p. 53. Fiske, vol. i., p. 381, says: "It was a case where the littleness of the knowledge was not a dangerous but a helpful thing. If, instead of the somewhat faulty astronomy of Ptolemy and the very hazy notions prevalent about 'the Indies,' the correct astronomy of Toscanelli had prevailed and had been joined to an accurate knowledge of eastern Asia, Columbus surely would never have conceived his great scheme, and the discovery of America would probably have waited to be made by accident."

† "Unfortunately for the Portuguese nation, but happily for the world, the explorations of its mariners along the coast of Africa were well advanced; and all those who were interested in promoting these enterprises wished, pursuing their own efforts, to prevent the Crown from adopting any measure which might lessen their subsidies or detract from their success. In brief, although turning to the West should prove the shorter course to the Indies, Portuguese seamen did not favor the idea, believing that, were further discoveries in that direction made, sources of competition would be opened which might divest them of their existing rights and future profits, acquired or to be acquired by the eastern routes; for it must never be forgotten that Columbus regarded the Indies as his ultimate destination. This element of opposition, due to fear of rivalry, combined with the antagonism of those who held that the government had already wasted too much money in fruitless expeditions, almost sufficed to secure the immediate rejection of his plans. Still, as a tentative compromise, and perhaps with a view of depriving a foreigner of any credit which might redound to the national glory, the king, while professedly holding the matter under advisement, resorted to a

therefore in 1484* bade adieu to Portugal and then repaired to the court of Ferdinand and Isabella of Spain. He also sent letters on the same subject to Henry VII. of England but fared no better with that monarch than he had with the Portuguese king. A man less resolute and determined than Columbus undoubtedly would have been worn out by the weary years of waiting upon the court of the impassive, calculating Ferdinand, and by the neglect, the repulses, the coldness, the sneers of contempt, the absurd prejudice and conceited ignorance which he encountered; but he never for a moment gave up his great plan and purpose, and his constancy and courage finally obtained their just reward. "Let those, then, who are disposed to faint under difficulties, in the prosecution of any great and worthy undertaking, remember that eighteen years elapsed after the time

dastardly trick. A Portuguese fleet was secretly dispatched in 1484 to accomplish, if possible, the proposed results; naturally and most righteously, the endeavor failed. The commander, nevertheless, reporting upon his return that he had accurately followed the written outlines previously submitted, Columbus was marked as a hypocrite, scoundrel and ignoramus. He thenceforth became a wanderer, at once quitting the land which, having breathed the inspiration into his soul, had failed to profit by it."—Henry C. Morris, *The History of Colonization from the Earliest Times to the Present Day*, vol. i., pp. 233-234. (Copyright by the Macmillan Co.) Fiske also gives a good resumé of the difficulties experienced by Columbus during the period immediately following 1474, *Discovery of America*, vol. i., p. 381 *et seq.*

* Various dates are given for the arrival in Spain, varying from the autumn of 1484 to the spring of 1486.

that Columbus conceived his enterprise, before he was enabled to carry it into effect; that the greater part of that time was passed in almost hopeless solicitation, amidst poverty, neglect and taunting ridicule; that the prime of his life had wasted away in the struggle, and that when his perseverance was finally crowned with success, he was in about his sixty-fifth year. His example should encourage the enterprising never to despair.”*

Columbus had interested the powerful family of the Pinzons in his cause, and through their influence and the generous impulses of the queen, Isabella, an agreement was finally reached and a contract signed on April 17, 1492,† whereby he was made high admiral and viceroy of all the countries he might discover, and a certain portion of the profits was guaranteed to him. Columbus was therefore enabled to embark from the port of Palos on Friday, August 3, 1492, his expedition consisting of three small caravels—the *Santa Maria*, the *Pinta* and the *Niña*—each

of which had a crew of 90 men.* After an eventful voyage land was sighted on Friday, October 12, 1492, and the great mystery of the ocean lay revealed before him; the theory which wise and learned men had scoffed at was now triumphantly established; and Columbus had secured to himself everlasting glory. The land thus reached proved to be the island Guanahani—now called Cat Island, one of the Bahamas, which Columbus named San Salvador.‡

Of the three subsequent voyages and the other discoveries of Columbus, and of the varied fortune of his later life, we cannot make mention here.‡ His latter days were spent in illness, humiliation and despondency, and were further embittered by envy, distraction, injustice and cruelty. Deprived of the honor of naming the newly discovered continent, and ren-

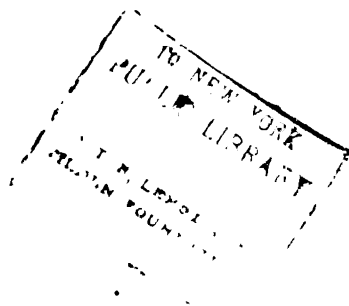
* For the names of these men see Fiske, App. C., vol. ii., pp. 594–597. Irving (vol. i., p. 362) says that at the suggestion of Columbus many prisoners were released in Spain upon condition that they would accompany him on his voyages to America.

† In a paper read before the New York Historical Society, October 6, 1846, Mr. George Gibbs gives several reasons for believing that the Grand Turk Island was the one at which Columbus first touched. Muñoz, Major, Murdock, and Becker claim that this is Watling Island; Irving and Humboldt say it is Cat Island; Fox says Samana; and Navarrette and Kettell says Turk's Island. Sir Clements Markham claims that the journal of Columbus necessitates that the island which was the landfall must satisfy twenty-four requirements and that Watling Island fits the description perfectly.

‡ The details will be found in Fiske's *Discovery of America*, vol. i., pp. 447–512, and in the various biographies of Columbus.

* Irving, *Life and Voyages of Columbus*, vol. i., p. 118.

† Fiske, *Discovery of America*, vol. i., pp. 395–419, where the terms of the contract are given in full. But even Isabella required that Columbus should await the fall of Grenada before she would consider his project. The Charter of Privileges and Prerogatives granted to Columbus will be found in F. N. Thorpe, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the States, Territories and Colonies, now or heretofore forming the United States of America*, House of Representatives Document No. 357, 59th Congress, 2d session (1909); Hazard, *Historical Collections of State Papers*, vol. i., pp. 1–6.



dered hopeless of all redress by the death of Queen Isabella in 1504, Columbus died at Valladolid, May 20, 1506.* A monument was subsequently erected to his memory on which was carved the motto taken from Columbus's coat of arms — A CASTILLA Y A LEON NUEVO MUNDO DIO COLON: To Castile and Leon Columbus gave a new world.†

* His remains were buried in the Franciscan monastery at Valladolid; in 1513 they were removed to the monastery of Las Ceuvas at Seville, where the body of his son, Diego, was buried in 1526; ten years after the remains of both were removed to Hispaniola to the cathedral of San Domingo, but at the cession of Hispaniola to the French they were again moved in January, 1796, with great pomp to the cathedral of Havana, Cuba. In 1898, after Cuba had been wrested from Spain by the United States, the remains were taken to Spain to their final resting place.

† For details of the voyages made by Columbus see Abbott, *Christopher Columbus* (1898); C. K. Adams, *Christopher Columbus, His Life and Work* (1892); W. L. Alden, *Christopher Columbus*; Barton, *Columbus the Catholic*; N. R. E. M. Bell, *Columbus and Other Heroes of American History* (1885-93); Marquis de Belloy, *Christopher Columbus and the Discovery of the New World* (1889); S. K. Bolton, *Christopher Columbus in Famous Voyagers and Discoverers* (1893); Brooks, *True Story of Christopher Columbus* (1892); J. W. Buell, *Columbus and the New World in Columbus and Columbia* (1892); Edward Channing, *Columbus and His Companions*, in Winsor's *Narrative and Critical History of America* (1888); Cronau, *Amerika; Seine Entdeckung* (1891-2); Charles Elton, *Career of Columbus* (1892); Goodrich, *History of the Character and Achievements of the So-Called Christopher Columbus* (1874); Hakes, *Discovery of America by Christopher Columbus* (1892); Helps, *The Spanish Conquest in America*, vol. i., pp. 55-124; Henry Harriase, *Christoph Colomb* (1884); Irving, *History of the Life and Voyages of Columbus*; Knight, *Life of Christopher Columbus* (1877); A. M. L. P. de Lamartine, *Christopher Columbus* (1887); Roselly de Lorques, *Christophe Colomb* (1856); Mackie, *With the Admiral of the Ocean Sea* (1891); Mackie, *The Last Voy-*

The naming of the Western Continent which has since been known as America took its rise from a voyage made in 1499* by Amerigo Vespucci,

ages of the Admiral of the Ocean Sea as Related by Himself and His Companions (1892); C. R. Markham, *Life of Christopher Columbus* (1892); Mavor, *First, Second, Third and Fourth Voyages of Columbus*, in *Collection of Voyages and Travel*, vol. i. (1810); Nasmith, *Columbus*, in *Makers of Modern Thought*, vol. i. (1892); Ober, *Columbus, the Discoverer in Heroes of American History*, vol. i. (1906); Payne, *History of the New World*, vol. i. (1892); Pratt, *Story of Columbus* (1892); H. F. Reddall, *Columbus the Navigator* (1892); Frederick Saunders, *Story of the Discovery of the New World by Columbus* (1892); E. E. Seelye, *Story of Columbus* (1892); Tarducci, *Life of Christopher Columbus* (1890); J. B. Thacher, *Christopher Columbus* (1903); Henry Vignaud, *Toscanelli and Columbus* (1902); Winsor, *Christopher Columbus and How He Received and Imparted the Spirit of Discovery* (1892); Young, *Christopher Columbus and the New World of His Discovery* (1906); Prescott, *History of the Reign of Ferdinand and Isabella the Catholic* (1837); H. B. Adams and H. Wood, *Columbus and His Discovery of America*, in *Johns Hopkins Studies in Historical and Political Science*, series x, nos. 10-11; O. O. Howard, *Isabella of Castile* (1894); Charles Morris, *Christopher Columbus, the Discoverer of America*, in *The Discoverers and Explorers of America*, pp. 14-22 (1906); the biographies of Las Casas, the friend of Columbus (*Historia de las Indias*) and by his son, Ferdinand, *Historie del S. D. Fernando Colombo*, etc., which latter survives only in the Italian translation of Alfonso Ulloa, published at Venice in 1571 and reprinted at Milan (1614) Venice (1676 and 1678), and London (1867).

* Some writers state that there was an earlier voyage, said to have been made in 1497. Mr. C. E. Lester (*Life and Voyages of Americus Vesputius*, pp. 93-108) argues in favor of an earlier voyage, but Irving seems to have successfully controverted this view, and we have followed Irving in the text. See his *Life of Columbus*, vol. iii., pp. 330-345. See also Fiske, *Discovery of America*, vol. ii., pp. 24-176; Sir Clements R. Markham, *Americus Vesputius*; William H. Johnson, *Pioneer Spaniards in North America*, pp. 23-45, and the narrative of the voyage of 1497-8 reprinted in *Old South Leaflets*, no. xxxiv.

a distinguished Florentine navigator. Vespucci wrote a number of letters in Latin to Lorenzo de Medici, one of which was printed in 1505 and was the first of his narratives published. On September 4, 1504, he also wrote a letter from Lisbon to René, duke of Lorraine, in which he claims to have discovered the mainland in 1497. As Vespucci was a man of superior learning and intelligence, and as his name was thus publicly connected with the New World, as the discoverer of the Continent — although he was not the first to reach Terra Firma, Columbus, Cabot and others having preceded him — the well-known cosmographer, Martin Waldseemüller, of Fribourg, patronized by René, decided in 1507 to give the New World the name of America. The works of Waldseemüller, who styled himself by the Grecianized title, Hylacomylas, went through a large number of editions, and thus the name America became familiar throughout the larger part of the civilized world. It does seem, however, that this was a great injustice to Columbus.*

Meanwhile, the Portuguese had been making discoveries along the coast of Africa in the hope of finding a route there to the East and for several years before Columbus started

many voyages had been made and much money expended in a vain endeavor to locate the passage eastward. As Spain and Portugal had made their attempts in opposite directions, Pope Alexander VI, thinking to settle all future territorial disputes, on May 4, 1493, issued his famous bull giving Spain the western half of the Christian world and Portugal the eastern half.* This bull gave to Spain "all lands that might be discovered west and south of a line drawn from the North to the South Pole, at a distance of one hundred leagues west of the Azores and Cape Verde Islands." In June, 1494, the line was changed and by the convention of Tordesillas it was made to run 370 leagues west of Cape Verd, thus giving the larger share of Brazil to the Portuguese.†

The spirit of maritime enterprise was immediately aroused in England by the marvelous discovery of the New World and the glory of first reaching the continent of North America undisputably belongs to one of her sons. England had not as yet reached that position of prominence in naval affairs which she acquired many years afterward. The active

* HARRISSE, *Bibliotheca*; DECOUVERTE; FISCHER and WIESER, *Die Älteste Karte mit dem Namen America*; D'AVEZAC, *Martin Hylacomylus Waltze-müller*; HUMBOLDT, *Kritische Untersuchungen*; CHARLES MORRIS, *Americus Vesputius and the Naming of America*, in *The Discoverers and Explorers of America*, pp. 23-31 (1906).

* The Latin text of this bull will be found in THORPE, *Federal and State Constitutions*, vol. i., pp. 41-43; HAZARD, *State Papers*, vol. i., pp. 3-6.

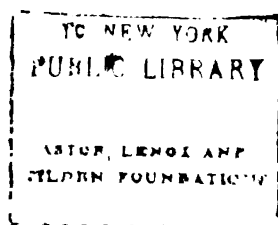
† GEORGE P. FISHER, *The Colonial Era*, pp. 14-15; BANCROFT, *History of the United States*, vol. i., p. 9 (author's last revision, 1882); EDWARD G. BOURNE, *Spain in America*, in *American Nation series*, vol. iii., p. 31; HART, *American History Told by Contemporaries*, vol. i., p. 40.

DISCOVERERS AND EXPLORERS.



1. CHRISTOPHER COLUMBUS.
3. FERDINAND DE SOTO.
5. SIR WALTER RALEIGH.

2. SEBASTIAN CABOT.
4. SAMUEL DE CHAMPLAIN.
6. HENRY HUDSON.



energy and hardy endurance which have since characterized the seamen of England on the ocean had been sapped by long and exhaustive wars, and yet when Henry VII., a shrewd and thrifty monarch, learned of the discoveries of Columbus, he was ready to enter into competition for any prizes the New World might disclose and he was not in the least disposed to allow Spain and Portugal to monopolize the as yet undiscovered and uninhabited portions of the earth. He accordingly very eagerly sought and secured the services of John Cabot, a Venetian merchant, residing at Bristol, and immediately began to equip several vessels for discovery which might be made anywhere north of the route taken by Columbus.*

Cabot and his three sons, Lewis, Sebastian and Sancius, were authorized by a patent obtained from the king and signed at Westminster, March 5, 1496, "to saile to all parts, countrys and seas of the East, of the West, and of the North, under our banners and ensigns, with five ships of what burden or quantitie soever

they may be, and as many mariners and men as they will have with them in the said ships, upon their own proper cost and charges, to seeke out, discover and find whatsoever isles, countreys, regions or provinces of the heathen and infidels, whatsoever they may be, and in what part of the world soever they may be, which before this time have been unknown to all Christians."† The expedition sailed from Bristol early in May, 1497, Cabot being accompanied by his son, Sebastian, and on June 24, 1497, they discovered land, undoubtedly a part of the coast of Labrador, which they named Prima Vista. They also saw an island which, because of the day on which it was discovered, they called St. John's Island; it was "full of white bears and stagges, far greater than the English."‡ Cabot, however, was disappointed in his expectation of finding a northwest passage to the land of Cathay or the Indies with its marvels and wonders as Marco Polo tells them, and he therefore returned to England.§ In 1498, Sebastian Cabot alone made a second voyage to America, but of this the particulars have only scantily been preserved|| Hudson's Bay was undoubtedly en-

* Charlevoix (*Travels, &c., in 1720*) raises a point in connection with the early discoveries in America which is well worth noticing. He says:—"I cannot dispense with a passing remark. It is very glorious to Italy, that the three powers which now divide between them almost the whole of America, owe their first discoveries to Italians—the Spanish to Columbus, a Genoese, the English to John Cabot and his sons, Venetians, and the French to Verrazzani, a citizen of Florence." Sebastian Cabot, as noted above, however, was a native of England. See also J. A. Doyle, *English Colonies in America, Virginia, Maryland and the Carolinas*, vol. i., App. C., pp. 399–407.

* Hakluyt, *Voyages and Discoveries*, vol. iii., p. 6; *The Voyages of the Cabots in Old South Leaflets*, general series, no. xxxvii. The letters patent in Latin and English will be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 45–47.

† See Hayward, *Life of Sebastian Cabot*, p. 8.

‡ Bancroft, vol. i., pp. 10–11 (last revision).

§ Harris says that there is nothing to prove that Cabot's son commanded the voyage of 1497

tered on a third voyage which took place in 1517, and Cabot probably penetrated as far north as the sixty-seventh degree of latitude, but his crew, terrified by the vast expanse of ice, demanded that Cabot return, and in the month of July he therefore reluctantly turned his face toward England.* Cabot died in the city of London at a good old age, after having gone through many and various adventures and achieved considerable eminence as a navigator. Although he gave a continent to England, neither the date of his death is known, nor does the humblest monument show where his remains lie.†

and the belief that Sebastian went "rests exclusively upon statements from his own lips made at a time, under circumstances, in a form, and with details which render them very suspicious. Nay, they have been positively denied at least twice in his lifetime in England as well as in Spain." Regarding the voyage of 1498, HARRISSE says:—"There is no ground whatever for the assertion, frequently repeated, that John Cabot did not command this second expedition or that it was undertaken after his death by his son." See also Helen A. Smith, *The Thirteen Colonies*, in *The Story of the Nation* series, vol. i., pp. 5-14; Richard Biddle, *Memoir of Sebastian Cabot, with a Review of the History of Maritime Discovery*; Bancroft, vol. i., pp. 11-12 (last revision); Mrs. Martha J. Lamb, *History of the City of New York*, vol. i., p. 15, note.

* Fiske, *Discovery of America*, vol. ii., pp. 1-18.

† HARRISSE, *John Cabot, the Discoverer of North America, and Sebastian His Son: A Chapter of the Maritime History of England under the Tudors 1496-1557* (1895); NICHOLLS, *Remarkable Life of Sebastian Cabot* (1869); FREDERICK A. OBER, *John and Sebastian Cabot* (1908); WINSHIP, *Cabot Bibliography* (1900); BACON, *English Voyages of Adventure and Discovery* (1908); C. R. BEAZLEY, *John and Sebastian Cabot*; H. R. F. BOURNE, *English Seamen under the Tudors*; CHARLES MORRIS, *The Discoverers and Explorers of America*, pp. 32-38; *Documents relative to voyages*

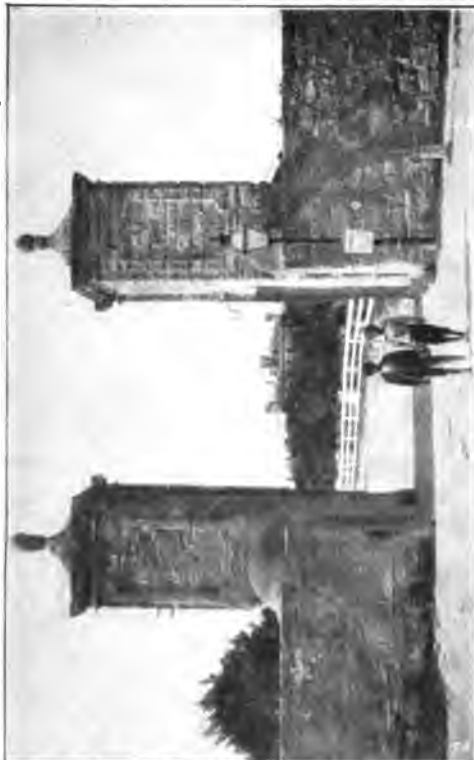
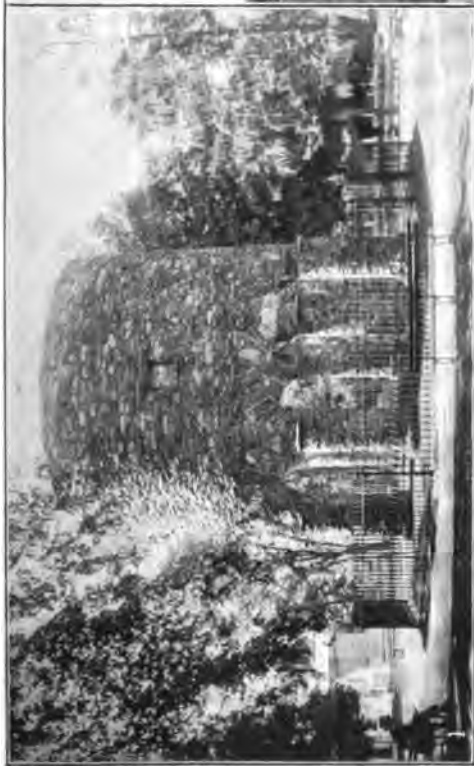
The next important discoverer was Vasco da Gama, who sailed under the patronage of Emanuel, king of Portugal, an able and enterprising monarch. In 1498 Da Gama doubled the Cape of Good Hope and on May 20 sailed into the harbor of Calcutta, thus opening to the Portuguese a new and important route to the Indies.* Emanuel also sent Gaspar Cortoreal in 1501 with two vessels to explore the northwestern ocean. Cortoreal sailed about 700 miles along the shores of North America, but his most noteworthy exploit was the kidnapping of a number of natives and carrying them to Portugal as slaves.†

A hardy old Spanish warrior who had been one of the companions of Columbus, Juan (or Hernan) Ponce de Leon, was the next to cover himself with glory in his discoveries on this continent. De Leon had conquered Porto Rico and had added to his fortune by the compulsory labor of the unfortunate natives whom he conquered; but he was now well advanced in years and was not content to let go his grasp upon the possessions for which he had so long toiled and so strenuously fought. He there-

of *John Cabot and Cortoreal* (Hakluyt Society, London, 1893); HUME, *History of England*, vol. iii.; WEARE, *Cabot's Discovery*.

* G. M. Towle, *Voyages and Adventures of Vasco da Gama* (1878); H. E. J. Stanley, *The Three Voyages of Vasco da Gama* (Hakluyt Society, London, 1869).

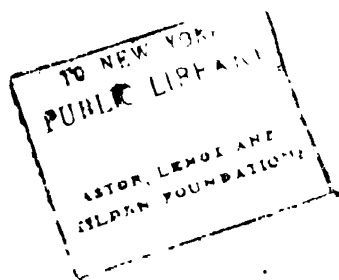
† Fiske, *Discovery of America*, vol. ii., pp. 18-21; CHARLES MORRIS, *The Discoverers and Explorers of America*, pp. 52-53; Bancroft, vol. i., p. 14 (last rev.).



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1. THE OLD STONE MILL, NEWPORT, R. I.
3. THE OLDEST HOUSE IN ST. AUGUSTINE, FLA.

2. THE OLD CITY GATE, ST. AUGUSTINE, FLA.
4. THE SO-CALLED "OLDEST DWELLING HOUSE IN THE UNITED STATES,"
SANTA FE, N. M.



fore listened with rapt attention to the romantic story of that miraculous fountain which was supposed to restore to youth and vigor all who bathed in its waters, and he immediately resolved to find this wonder of nature and avail himself of its supposed cures for old age. On Easter Sunday, March 27, 1513, which the Spaniards called Pascua de Flores, he discovered (or according to Fiske re-discovered) the peninsula which separates the Atlantic and the Gulf of Mexico. It was at the most beautiful season of the year, when the flowers were beginning to bloom, that he came in sight of the land, and because of this as well as from the day he made his discovery, he gave the new region the name Florida. On his return from Spain in 1521 he was unable to effect a settlement, because of the hostility excited among the natives by previous injustice and ill-usage.*

The Pacific Ocean was also discovered at about this time by another famous Spanish captain, Vasco Nuñez de Balboa.† This event occurred September 26, 1513, and Balboa sol-

emnly proclaimed that ocean, with all adjacent lands from pole to pole, to be the property of Spain "as long as the world endures and until the final day of judgment." This sublime discovery was undoubtedly one of the most important that had as yet been made in the New World, and must, as Mr. Irving says, have opened to the wondering Spanish adventurers a boundless field of conjecture as they gazed from the mountain summit down upon the vast expanse of glittering water. Balboa a short time afterward transported the timbers of his vessel across the isthmus, reassembled them and made extended voyages on the ocean he had discovered.*

Meanwhile English and French mariners had zealously and successfully engaged in the productive fisheries on the banks of Newfoundland. We learn that as early as 1504 fishermen from Brittany discovered and named Cape Breton, and as Hildreth says, "This fishery on the coast and bank of Newfoundland formed the first link between Europe and North America, and for a century almost the only one."†

The French, however, were not entirely unaware of what had been taking place in the New World. Although

* William H. Johnson, *Pioneer Spaniards in North America*, pp. 77-87; Frederick A. Ober, *Juan Ponce de Leon* (1908); Morris, *Discoverers and Explorers*, pp. 47-51. See also the authorities cited in Parkman's *Pioneers of France in the New World*, pp. 10-11 (25th ed., Boston, 1886); Bancroft, vol. i., pp. 23-24 (last rev.).

† This ocean was not called the Pacific until some years later, the term South Sea being applied to it by the Spaniards because it lay to the south of the point whence the discoverer had departed.

* Sir Arthur Helps, *Spanish Conquest in America*, vol. i., pp. 236-259; Johnson, *Pioneer Spaniards*, pp. 49-73; Morris, *Discoverers and Explorers*, pp. 39-46.

† *History of the United States*, vol. i., p. 37; Parkman, *Pioneers of France*, p. 189 et seq.

he had been exceedingly busy in his contests with the astute and powerful king of Spain, Charles V., Francis I. of France was not too much occupied to give some attention to discoveries and settlements in the New World. He engaged Giovanni de Verrazzano, a Florentine, to make explorations in new regions in the unknown West. On January 17, 1524, Verrazzano, in a single vessel, the *Dolphin*, left Madeira, and having made a number of important discoveries, wrote to the king a description which for its freshness and graphic clearness is remarkable even at the present time. He says that after "as sharp and terrible a tempest as ever sailors suffered, whereof with the Divine help and merciful assistance of Almighty God, and the goodness of our ship, accompanied with the good-hap of her fortunate name—the *Dolphin*—we were delivered, and with a prosperous wind followed our course west by north, and in other twenty-five days we made above 400 leagues more, when we discovered a new land, never before seen of any, either ancient or modern." The land which Verrazzano discovered was the low level coast of North Carolina, and along this he and his companions sailed for about 50 leagues in search of a harbor which they at length found. When a boat was sent ashore the natives took fright and at first fled to the woods, but their inquisitiveness impelled them to stand and look back, beholding the ship and sailors "with great

admiration." When the sailors made them friendly signs the natives one by one came to the shore, "marvelling greatly at their [the sailors'] apparel, shape and whiteness." Beyond the sandy coast, intersected with "rivers and arms of the sea," was seen "the open country rising in height with many fair fields and plains, full of mightie great woods" some of which were dense while others were more open, "as pleasant and delectable to behold as it is possible to imagine. And your Majesty may not think," he further says, "that these are like the woods of Hercynia or the wild deserts of Tartary, and the northern coast full of fruitless trees; but they are full of palm trees, bay trees, and high cypress trees, and many other sorts unknown in Europe, which yield most sweet savors far from the shore." Verrazzano represents the land as "not void of drugs or spicery, and of other riches of gold, seeing that the color of the land doth so much argue it." The luxury of the vegetation, the wild vines which clustered upon the ground or trailed in rich festoons from tree to tree, the sweet odoriferous flowers, the tangled roses, and the violets and lilies unlike anything he had seen in Europe, also came in for a large share of his attention in his description to the king. He also speaks of the wild deer in the woods, and of the birds that haunt the pools and lagoons of the coast. He is furthermore transported

by the calmness of the sea, the gentleness of the waves, the summer beauty of the climate, the pure, wholesome and temperate air, and the serenity and purity of the blue sky, which he says "if covered for a while by clouds brought by the southern wind, they are soon dissolved, and all is clear again." Verrazzano sailed as far north as the fiftieth degree of north latitude, entering the harbors of New York and Newport, but no settlement resulted from this voyage.*

The first attempt at colonization was made by the English and was extremely disastrous.† In 1536 a London merchant by the name of Hore induced others to join him in a colonization enterprise. They undertook to make a settlement in Newfoundland, but the colonists had not long been there when they began to suffer the pangs of starvation because they had not prepared themselves against the scarcity of food in the region, and, having seized a French fishing vessel

which had just arrived, they returned to their native land.*

The next attempt at settlement was made by the French while the Spaniards were engrossed with their plans and efforts for conquering South America, and this was more successful. On April 20, 1534, Jacques Cartier, a prominent mariner of St. Malo, was sent on an exploring expedition to the northwest coast of America by Philippe de Brion-Chabot, admiral of France. Cartier made a quick voyage across the Atlantic, then sailed across the Gulf of St. Lawrence and entered a bay which he called Des Chaleurs, giving the bay this name because of the great heat then prevailing. Cartier made no attempt to establish a settlement upon this voyage and soon afterward returned to England.† The next year, however, he started on his second voyage on May 19, 1535, sailing with three large ships and a number of colonists. In

* Bancroft, vol. i., p. 61 (last rev.).

* *New York Historical Society Collections*, series ii., vol. i., p. 45 et seq.; Hakluyt, vol. iii., p. 360 et seq.; Harris's *Voyages*, vol. ii., p. 348; Buckingham Smith, *An Inquiry into the Authenticity of Documents Concerning a Discovery in North America Claimed to have been made by Verrazzano* (1864); J. C. Brevoort, *Verrazzano the Navigator* (1874); B. F. De Costa, *Verrazzano the Explorer* (1880); H. C. Murphy, *The Voyage of Verrazzano, A Chapter of Maritime Discovery in America* (1875); Morris, *Discoverers and Explorers*, pp. 53-56. See also Fiske, *Dutch and Quaker Colonies in America*, vol. i., pp. 58-68; Parkman, *Pioneers of France*, pp. 193-199, 227-228; Ellis H. Roberts, *New York: The Planting and the Growth of the Empire State*, vol. i., pp. 2-4.

† Hakluyt, vol. iii.

† For an account of this voyage see his *Discours du Voyage fait par le Capitaine Jacques Cartier aux Terres Neufves Canada* (1598); LeCorbot, *Histoire de Nouvelle France*, vol. i. (1612); *Relation originale du Voyage de Jacques Cartier en 1534* (Paris, 1867); H. H. Miles, *History of Canada under French Régime*, pp. 1-8. Some idea of the geographical knowledge of these early explorers is given by the following extract from the *Cosmographie* by Jean Allefonce, the "very expert pilot general" who accompanied Cartier and explored the coasts for many miles. He says: "These lands reach to Tartary and I think that it is the end of Asia, according to the roundness of the world. I have been at a bay as far as 42° [Massachusetts Bay] between Norumbega and Florida, but I have not seen the end and do not know whether it extends any farther." See Smith's *Thirteen Colonies*, vol. i., p. 30.

July he reached the scene of his former discoveries; on St. Lawrence's day, August 10, entered the gulf; and giving it the name it now bears, ascended the river to the isle of Bacchus, now Orleans. From that point he advanced to Hochelaga, or Montreal. Upon inquiring the names of the villages along the banks, Cartier in almost all instances received the reply "Canada," which is simply a Mohawk word for village.* He had supposed the name applied to the country through which the river flowed and this name has been applied to that portion of North America ever since. Cartier spent the winter on the isle of Orleans, but the scurvy attacked his company who suffered so severely that they became disgusted with the outlook for colonization and Cartier was compelled to return home. He could not, however, leave the country without taking some mementoes of his voyage, and disregarding the rights of others, kidnapped some of the natives and carried them to France.†

* Beauchamp, *Indian Names in New York*, p. 104.

† Parkman, *Pioneers of France*, pp. 199-215; Hildreth, vol. i., p. 45 *et seq.*; Hakluyt, vol. iii.; Fiske, *New France and New England*, pp. 12-22; James Douglas, *Old France in the New World: Quebec in the Seventeenth Century*, pp. 23-39 (1905); Justin Winsor, *Cartier to Frontenac*, pp. 23-37; Gilbert Parker and Claude G. Bryan, *Old Quebec, The Fortress of New France*, pp. 6-12 (1903); William H. Johnson, *French Pathfinders in North America*, pp. 53-63 (1905); C. G. D. Roberts, *History of Canada*, pp. 8-15; Miles, *History of Canada*, pp. 8-16; François Jolion des Longrais, *Jacques Cartier* (Paris, 1888); Kohl, *Discovery of Maine*; the essays of Joseph Pope

Several years now passed before another attempt was made to colonize the same region. During the years 1541-43 François de la Roque, Sieur de Roberval, sent out an expedition under the command of Cartier. The king furnished the latter with five vessels and Roberval was associated with him in the capacity of Governor in Canada and Hochelaga. Though both Cartier and Roberval succeeded in reaching Canada, the enterprise was not attended with success because of various delays, misunderstandings and quarrels between the two, and for a long period of time France gave up any further attempt at founding colonies in America. Nevertheless, what she had done in this brief space of time had laid a foundation which she used as a basis in later years for her claims to the northern portion of the American Continent.*

In the meantime, the Spaniards had made numerous attempts at exploration and conquest. The stories of the conquest of Mexico by Ferdinand (or Hernando) Cortés and of Francisco Pizarro in the land of the Incas

(Ottawa, 1890), Hiram B. Stephens (Montreal, 1890), and N. E. Dionne (Quebec, 1889); John McMullen, *History of Canada*, pp. 3-7.

* Winsor, *Cartier to Frontenac*, pp. 37-47; Bancroft, vol. i., pp. 17-18 (last rev.); Morris, *Discoverers and Explorers of America*, pp. 129-138; Fiske, *New France and New England*, pp. 22-32; Hakluyt, vol. iii.; Douglas, *Quebec in the Seventeenth Century*, pp. 38-50; Miles, *History of Canada*, pp. 17-23; Parkman, *Pioneers of France*, pp. 215-227, and the authorities cited there, especially Lescarbot, *Histoire de Nouvelle France* (1612), and LeClerc, *Etablissement de la Foi*.

(Peru), and of others in South and Central America, need not be told here, as they are concerned more with the history of South America.* The adventures of these men are chiefly important to United States history because of their influence in bringing other adventurers to this country from Spain, two of the most noted of whom were Pánfilo (or Pamphilo) de Narvaez, and Alvar Núñez Cabeza (or Cabeça) de Vaca. Narvaez had been in command of a Spanish auxiliary force under Valasquez in Cuba; in 1520 had been sent by the latter to Mexico to supersede and punish Cortés for his disobedience, but met with overwhelming defeat and lost one eye in the battle; and soon after his return to Spain was appointed by Charles V. governor of Florida. In June, 1527, he set sail from Spain and soon reached the south coast of Cuba, whence he sailed in March, 1528, for Havana, but losing his course, he reached Tampa Bay, Florida, instead, on April 15th.† On this voyage Cabeza de Vaca acted as treasurer of the company.

Narvaez determined to strike in-

land and on May 1 with 300 men he set out. After many hardships they reached the Indian settlement of Apalachee, but finding no trace of the treasures they sought, determined to return. Upon reaching the shores, they found the ships missing and were compelled to construct boats of the materials at hand. On September 22 the survivors of the expedition, 250 in all, embarked and sailed along the coast, only to be shipwrecked shortly afterward.*

Cabeza de Vaca was one of the four survivors of this expedition, but with his three companions was captured by the Indians and for several years they were held prisoners, being carried by them through western Louisiana and eastern Texas. Finally escaping, they wandered from tribe to tribe, exchanging the shells and wampum of the coast for hides and other inland commodities. Wending their way along the Rio Grande through Texas, they entered New Mexico, crossed Chihuahua and Sonora to the Gulf of California, and in May, 1536, after a journey of about 2,000 miles, reached Culiacan. One

* The details will be found in Fiske, *Discovery of America*, vol. ii., pp. 213-426; Prescott, *Conquest of Peru*; Moses, *Establishment of Spanish Rule in America*, p. 109 et seq.; Markham, *History of Peru*; Benzoni, *History of the New World*; Helps, *The Spanish Conquest in America*, vols. ii., iii. and iv.; Francis A. MacNutt, *Fernando Cortes and the Conquest of Mexico, 1485-1547* (1910).

† For the disputed question as to where Narvaez landed see Woodbury Lowery, *The Spanish Settlements within the Present Limits of the United States*, App. J., and for the proclamation issued by Narvaez, pp. 178-180.

* Thomas B. Smith, *Relation of Alvar Nuñez Cabeça de Vaca*, chaps. v.-xv. is the chief authority for this expedition. See also Lowery, *Spanish Settlements*, pp. 172-197; Bancroft, vol. i., pp. 27-30 (last rev.); Theodore Irving, *The Conquest of Florida by Hernando de Soto*, chap. ii.; Barnard Shipp, *Hernando de Soto and Florida*, chap. vi.; D. G. Brinton, *Notes on the Floridian Peninsula*; William H. Johnson, *Pioneer Spaniards in North America*, pp. 195-207; Charles Morris, *Discoverers and Explorers of America*, pp. 87-93.

of the chief results of their pilgrimage was to reveal to Spanish knowledge the existence of a large territory north of Mexico.*

In 1520 Lucus Vazquez de Ayllon, the auditor of St. Domingo in the Island of Hispaniola, formed a company with six other prominent men of the island for the purpose of capturing Indian caribs as slaves to work at the mines. The two vessels in which he set sail were driven by a storm to the east coast of Florida and Ayllon entered the province of Chicora (South Carolina). Here he succeeded in gaining the confidence of the natives but soon abused that confidence by an act of treachery. Inducing about 130 of the Indians to come aboard his vessel, he set sail

with them as prisoners, carrying them to Hispaniola. The captured Floridians showed a most desperate aversion to servitude and nearly all died of sorrow and home-sickness. Ayllon now received a grant of the province of Chicora and in 1524 equipped another expedition to conquer it. His pilot was unable to find the spot at which they had disembarked on the previous voyage, however, and the landing was made on that part of the coast which seemed most fertile. The Indians received the Spaniards in a friendly manner, and Ayllon, believing himself safe from attack, sent, or himself led, a body of 200 men to reconnoitre a town a short distance inland. Here the Indians feasted them for four days, but during the night of the fourth day attacked them and killed all. The Indians then marched against the remaining Spaniards on the coast but they succeeded in escaping to the vessels and after many adventures in reaching Hispaniola. Ayllon's fate is a matter of much doubt, as it is not known whether he was killed at the first attack or escaped to the vessels with the remaining Spaniards. If he did escape, he did not long survive his ill-fated expedition, as in 1525 Charles V. granted the province of Chicora to Ayllon's son.*

* The account of their travels is given in G. F. de Oviedo y Valdes, *Historia General y Natural de las Indias*. De Vaca also published an account of his adventures in 1542, which appeared in an English version by Samuel Purchas, in vol. iv. of *Purchas His Pilgrimes* and in a translation by Smith (1857-71). See also Morris, *Discoverers and Explorers of America*, pp. 93-96; Bandelier, *Contributions to the History of the Southwestern Portion of the United States* (1890); Johnson, *Pioneer Spaniards*, pp. 207-215; W. H. H. Davis, *Spanish Conquest of New Mexico* (1869); Bandelier, *The Journey of Alvar Nuñez Cabeza de Vaca*, in *The Trail Makers* series (1905); Woodbury Lowery, *Spanish Settlements, 1513-1561*, pp. 198-212; Thomas Buckingham Smith, *Relation of Alvar Nuñez Cabeza de Vaca*, chap. xv. et seq. (ed. 1871); the article by Pouton and McFarland in *Texas Historical Association Quarterly* (1898); F. W. Hodge (ed.), *The Narrative of Alvar Nuñez Cabeza de Vaca*, in *Spanish Explorers in the Southern United States*, pp. 3-126 (1907); Bandelier, *Alvar Nunez Cabeza de Vaca*, in the *Magazine of Western History*, vol. iv., pp. 327-336; the extract from De Vaca's *Relation of the Journey to New Mexico* in *Old South Leaflets*, No. xxx.

* Helps, *The Spanish Conquest in America*, vol. iv., pp. 290-291; Bancroft, vol. i., pp. 25-26 (last rev.); Henry Alexander White, *South Carolina, 1562-1789*, in *The South in the Building of the Nation*, vol. ii., pp. 1-2 (Richmond, Va., 1909).

These disastrous attempts to conquer and obtain possession of Florida did not deter other bold spirits from efforts of a similar nature. One of the most distinguished companions of Pizarro, who had been the chief instrument in annexing to Spain the golden regions of Peru, was Ferdinand (or Hernando) de Soto, but in the conquest of Peru he took only a secondary part, the chief part having been taken by another. He, therefore, desired the chief glory of finding and conquering a country, and Charles V. was only too willing to gratify his longing. Cabeza de Vaca had arrived in Spain after his journey across the continent, and had given a glowing account of the riches of the country. He had also given the details of the hardships through which he and his companions had passed. This did not deter De Soto from his purpose, however, and he endeavored to secure the services of De Vaca for his voyage, but after they had come to terms a dispute arose over the payment of some money to De Vaca and he refused to accompany the expedition.

King Charles now created De Soto Adelantado* of Florida, combining the offices of governor-general and

commander-in-chief. In April, 1538, De Soto set sail from the old country and soon reached Santiago, Cuba. After tarrying there for some time he went to Havana where his soldiers arrived in March, 1539. Here he stayed until he could provision his ships, and on May 18, 1539, with a fleet of nine vessels, carrying 600 men, a number of priests, besides sailors, more than 200 horses and a herd of swine, he finally set sail in quest of Florida. On the 30th of May he arrived at the bay of Espiritu Santo on the western coast of Florida, where he landed 300 men and pitched his camp; but at break of the next morning they were attacked by a numerous body of natives and were obliged to retire. De Soto then marched several hundred miles inland,* in 1540 passed through a number of Indian towns to Mabila (Mauilla or Mabila), a village enclosed by wooden walls and situated near the mouth of the Mobile River. Provoked by an outrage committed on one of their chiefs and thoroughly disgusted with the actions of the strangers, the natives brought on a severe conflict in which 2,500 of the natives (some say 6,000 and according to exaggerated Spanish accounts 11,000) and about 82 Spaniards were slain. A number of the Spaniards were severely wounded and afterward died, and in addition the com-

* This title was formerly applied in Spain to the political and military governor of a frontier province, who held general military command of the province and as a civil officer took cognizance of the civil and criminal cases arising within the territory over which he held sway. See Bernard Moses, *The Establishment of Spanish Rule in America*, p. 68 et seq.

* On his route through Alabama and Georgia see Pickett, *History of Alabama*, vol. i., chap. i.; Jones, *History of Georgia*, chap. ii.

pany also lost many horses. In the action the village was burned to the ground.*

Shortly after this disastrous engagement De Soto retreated to Chiçaça, a small town in the country of the Chickasaws, where he remained until March, 1541.† At the end of this period, however, he and his party resumed the march through the Indian territory and in the latter part of April of that year (1541) after many mishaps and under the most discouraging circumstances, De Soto first beheld the Mississippi, probably not far from the thirty-fifth parallel of latitude.‡ De Soto then crossed the river and made still further attempts to discover the wealth and magnificence which he had supposed

would be found in Florida. His efforts were in vain, however, and chagrined by a conviction of total failure, he sank under disappointment and died May 21, 1542. Bancroft says: "To conceal his death, his body was wrapped in a mantle, and, in the stillness of midnight, was silently sunk into the middle of the stream. The discoverer of the Mississippi slept beneath its waters. He had crossed a large part of the continent in search of gold and found nothing so remarkable as his burial place."* The remains of this vaunted expedition, numbering not more than half of those who had embarked, now floated down the Mississippi to its mouth, and in September, 1543, reached a Spanish settlement probably near the site of the present city of Tampico.† This was the last

* The original source of information for this battle is the *Relation of the Gentlemen of Elvas*, chaps. xviii-xx. Peter J. Hamilton, in his *Colonial Mobile*, chap. iii., gives an excellent short account. There is great difference of opinion regarding the numbers engaged, killed and wounded.

† William H. Johnson, *Pioneer Spaniards*, pp. 257-285; Bancroft, vol. i., pp. 43-44 (last rev.).

‡ On the claims of a prior discovery of the Mississippi by Alonzo Alvarez de Pineda in 1519 see Frederick A. Ogg, *The Opening of the Mississippi: A Struggle for Supremacy in the American Interior*, pp. 8-21 (1904); Henry Harrisse, *The Discovery of North America*, p. 164 et seq.; Henry L. Reynolds, *The Discovery of the Mississippi*, in the *Magazine of American History*, vol. xxii., pp. 37-41; Walter B. Seafie, *America; Its Geographical History*, Supplement, in *Johns Hopkins University Studies in Historical and Political Science*, extra vol. xiii.; Peter J. Hamilton, *Colonial Mobile*, chap. ii.; Jacob V. Brower, *The Mississippi River and Its Sources*, in *Minnesota Historical Collections*, vol. vii., pp. 16-20. The map containing the line of discovery supposed to have been followed will be found in A. J. Weise, *The Discoveries of America to the Year 1525*, opp. p. 278.

* *History of the United States*, vol. i., p. 57 (1st ed.).

† The chief authority for De Soto is the *Relation of the Invasion and Conquest of Florida by the Spaniards under the Command of Fernando de Soto. Written in Portuguese by a Gentleman of the Town of Elvas*. This has appeared in several different works. It was translated into English by Richard Hakluyt and a reprint edited by William B. Rye was published by the Hakluyt Society under the title *The Discovery and Conquest of Florida* (London, 1851). Another English version translated by Hakluyt and entitled *Virginia richly valued, by the Description of the Main Land of Florida, her next Neighbor*, appeared in Force's *Tracts*, vol. iv., pp. 9-132. It is also printed in B. F. French, *Historical Collections of Louisiana*, part ii., pp. 113-220. T. Hayes Lewis' edition of the *Relation* will be found in Hodge, *Spanish Explorers in the Southern United States*, pp. 129-272 (1907). See also E. G. Bourne, *Narratives of the Career of Hernando de Soto in the Conquest of Florida* (1904); Grace King, *De Soto and his Men in the Land of Florida*

attempt for many years to explore and settle Florida. Not a single site had been occupied by the Spaniards nor any settlement made, and yet Spain, under the name of Florida, claimed the entire sea-coast of America as far north as Newfoundland.

Meanwhile the Spaniards in the west had not been idle. Lorenzo Ferrer de Maldonado was sent by Cortés in 1528 on a voyage of discovery along the Pacific coast and traveled northward for about 300 miles. In 1530 the Gulf of California was penetrated by Nuño Beltrán de Guzmán and the town of Culiacán was founded. In 1532 another expedition was sent out by Cortés, and in 1535 the Lower California peninsula was claimed for the Spanish king. About 1530 it was reported that several hundred miles north of the Aztec capital lay several large cities, the inhabitants of which lived in stone-built

houses and were possessed of large quantities of gold and silver. These cities were called the "seven cities of Cibola" and search for them was immediately begun. Guzmán, who was then in command of New Spain, conducting a large expedition of soldiers and Indians. The expedition resulted in nothing, and after enduring many hardships it returned.

Upon his arrival at Culiacán, De Vaca had also spoken of the existence of half-civilized tribes far to the north, living in populous cities, acquainted with the arts, and possessing large quantities of gold, silver and precious stones. This excited the curiosity of Francisco Vázquez de Coronado, governor of New Galicia, who immediately sent out a pioneer party under a priest, Marco de Niza, to explore the region. The report of the expedition only tended to confirm the belief of the great wealth of the section, and in April, 1540, Coronado himself set out on a journey of exploration. Passing up the entire length of the Mexican state of Sonora, and crossing the river Gila, he penetrated the country beyond to the Little Colorado (which he called Rio del Lino) and finally came to the city of Hawaiku—possibly the present Zuñi—one of the far-famed seven cities of Cibola. Instead of finding a splendid city, he saw a small village of about 200 houses and the people merely poor agriculturists, destitute of wealth and possessed of no treasures whatsoever. "All was quite the

(1898); Lowery, *The Spanish Settlements*; Barnard Shipp, *Hernando de Soto and Florida*; Johnson, *Pioneer Spaniards*, pp. 289-299; Lambert A. Wilmer, *The Life, Travels and Adventures of Ferdinand de Soto*; F. A. Ogg, *The Opening of the Mississippi*, pp. 28-44; J. S. C. Abbott, *Ferdinand de Soto, the Discoverer of the Mississippi* (1873); Theodore Irving, *The Conquest of Florida by Hernando de Soto* (1851); John W. Monette, *History of the Discovery and Settlement of the Valley of the Mississippi*, vol. i.; Morris, *Discoverers and Explorers of America*, pp. 108-118; Albert J. Pickett, *Invasion of the Territory of Alabama by One Thousand Spaniards under Ferdinand de Soto. The Relación del suceso de la jornada que hizo Hernando de Soto*, by Luys Hernandez de Biedma, was translated by T. B. Smith and may be found in French, *Historical Collections of Louisiana*, part ii., pp. 97-109.

contrary," he says, "saving only the names of the cities and great houses of stone." Coronado now traveled eastward to Tiguex, which lay in the valley of the Rio del Norte, near the present Albuquerque, but upon hearing of large treasures to be found at Quivira, he set out on April 23, 1541, on a journey to the northeast. On the journey they "met with a new kind of oxen, wild and fierce, whereof the first day, they killed fourscore which sufficed the army with flesh," and after "traversing mighty plains and sandy heaths, smooth and wearisome and bare of woods" for a distance of about 300 leagues, they reached the supposed land of Quivira. This lay in about 40° north latitude, extending north of what is thought to have been the Arkansas River and was thus in the present State of Kansas. Though disappointed at the condition of the region, Coronado continued his search for treasures, going as far as Colorado, but was finally compelled to abandon the enterprise and return home. On October 20, 1541, he reported to Charles V. of Spain the ill success of the expedition, saying that the region was not even fit to colonize. Had Coronado continued his travels eastward, however, for about 600 miles, he would have met De Soto, who, at about this time, was in nearly the same latitude on the highlands of the White River in western Missouri.*

* Coronado's narrative of this expedition furnishes the first authentic account of the prairies,

It was not until 1598 that any considerable Spanish force again attempted to invade New Mexico, but in that year, Juan de Oñate, son of the enormously wealthy owner of the silver mines of Zacatecas, organized a force of 200 soldiers, as many colonists with women and children and herds of cattle and sheep, and led this expedition into New Mexico. Taking formal possession in the king's name,

the great desert plains of New Mexico and the buffalo, and also describes quite accurately the towns of the Pueblo Indians as they existed nearly 400 years ago. See also George P. Winship, *The Expedition of Francisco Vazquez de Coronado, 1540-1542*, a translation of the narrative of that journey by Pedro de Castañeda in the 14th annual report of the United States Bureau of Ethnology (1896); Morris, *Discoverers and Explorers of America*, pp. 119-128; H. W. Haynes, *Early Explorations of New Mexico*, constituting chap. vii., of vol. ii., of Winsor's *Narrative and Critical History*; Johnson, *Pioneer Spaniards*, pp. 219-253. Winship's translation of Castañeda's narrative, together with other documents relating to the expedition, was reprinted, with an introduction, under the title, *The Journey of Coronado, 1540-1542, from the City of Mexico to the Grand Cañon of the Colorado and the Buffalo Plains of Texas, Kansas and Nebraska*, as a volume of the *Trail Makers* series (New York, 1904). Winship's translation has also been corrected and edited by F. W. Hodge, in his *Spanish Explorers in the Southern United States*, pp. 275-387 (1907). See also A. F. Bandelier, *Contributions to the History of the Southwestern Portion of the United States*, in *Papers of the Archaeological Institute of America*, American Series, V. (Cambridge, 1890); John G. Shea, *A History of Catholic Missions among the Indian Tribes of the United States*, pp. 39-44; the *Relation* of the Friar Marcos de Niza, and letters of the Viceroy Mendoza and Coronado to Charles V., in Hakluyt, vol. iii.; Bancroft, vol. i., p. 31 *et seq.*; F. W. Blackmar, *Spanish Colonization in the Southwest*, in *Johns Hopkins University Studies in Historical and Political Science*, 8th series, no. iv.; and *Ibid*, *Spanish Institutions of the Southwest*, in *ibid*, extra vol. x.

they marched up the Rio Grande and founded San Gabriel where the hamlet of Chamita now stands, north of Santa Fé. This was the second town in the United States. Seven years afterward, in 1605, Oñate founded Santa Fé, the "City of Holy Faith."*

Meanwhile the Huguenot leaders in France, one of the most illustrious and able of whom was Admiral Gaspard de Coligny, desired to find a home in America for their persecuted adherents. During the years 1555-58 an expedition was sent to Brazil, but this was a complete failure,† and, therefore, Coligny decided to fit out another expedition, for which he obtained the sanction of Charles IX. To command this expedition he secured the services of Jean Ribaut (or Ribault) of Dieppe, an experienced mariner and a warm adherent of the Protestant cause. Fitting out an expedition of two vessels, and accompanied by a large number of French gentlemen who were sent out as colonists, Ribaut set sail from Havre February 18, 1562. On May 1 he reached the coast of Florida, later entered a spacious inlet which he named Port Royal, and then built a fort called Charlesfort (*Arx Carolana*, or Fort Charles).‡ Thirty of the colonists

were left here under the command of Albert de Pierria to found a settlement while Ribaut returned to France for supplies and more colonists. In 1563, however, the settlers in America became disheartened and disgusted and they hastily resolved to abandon the settlement and return to France. A mutiny then followed in which the commander was killed, and Nicholas Barré was chosen commander to succeed him.* In a state of semi-starvation, the colonists were picked up by an English vessel and part of them landed in England and the rest in France.†

Upon his return, however, Ribaut was unable to obtain the supplies he needed at once, because France was then convulsed in a civil war, but in 1564 peace was established again and Coligny renewed his efforts. René Goulaine de Laudonnière, a companion of Ribaut, was sent out in command of three ships, and on June 25 landed on the River of May, now the St. John's, where he built a fort

* *Ibid.*, p. 5.

† For the details see Parkman, *Pioneers of France in the New World*, pp. 33-47 and the authorities there given: Delaborde, *Gaspard de Coligny; The True and Last Discoverie of Florida, made by Captain John Ribault, in the yeere 1562, dedicated to a great Nobleman in Fraunce, and translated into Englishe by one Thomas Hackit* (Ribault's journal, the translation being contained in Hakluyt's *Divers Voyages*, 1582, the journal first appearing in 1563 under the title *The Whole and True Discoverie of Terra Florida*); the letters of Laudonnière, Ribaut's companion, contained in Basanier's *L'Histoire Notable de la Floride* (Paris, 1586) and in the third volume of Hakluyt; Johnson, *French Pathfinders in North America*, pp. 67-74.

* William H. Johnson, *Pioneer Spaniards*, pp. 303-323; C. F. Lummis, *Spanish Pioneers*. On the work of the Spanish missionaries, see Shea, *American Catholic Missions*, p. 76 *et seq.*

† The details of this will be found in Parkman, *Pioneers of France in the New World*, pp. 20-32.

‡ *The South in the Building of the Nation*, vol. ii., pp. 3-4.

named Fort Caroline. His colonists were mutinous and some of them engaged in piratical expeditions, capturing two Spanish vessels, and thus becoming the first aggressors in the New World. Shortly afterward the provisions became scarce and the colonists were in great distress, but on August 3, 1565, as they were about to abandon the settlement, Sir John Hawkins, the notorious slave merchant, arrived and ministered to their wants.* On August 28 Ribaut himself arrived with an abundant supply of all kinds.†

The colony, however, was not yet secure from attacks by outside parties. Philip II. of Spain had granted permission to Pedro Menendez de Avilés to conquer and occupy Florida, and also to drive out the French. On June 29, 1565, an expedition left

Spain with about 300 soldiers and more than 2,000 volunteers with the avowed object of "dealing death to the Huguenots." The expedition was somewhat weakened on the voyage by a storm, but Menendez did not delay after reaching Porto Rico and immediately set sail for the coast of Florida, being anxious to make quick work of his enemies. On August 28 land was sighted and two days later Menendez entered the harbor of St. Augustine. Here he founded a town which, though not a place of large size, still remains, and is the oldest town in the United States. Menendez was not long in finding the French colony and at once proceeded to the attack. The French vessels slipped their cables and went to sea intending to attack the Spanish, but a violent storm arose and the French vessels were scattered and wrecked upon the shore. Menendez therefore marched overland from St. Augustine through the forests and swamps, surprised the French fort and butchered men, women and children with the exception of a few who, having escaped to the woods and subsequently finding two small vessels in the harbor, ultimately reached Bristol. Ribaut and his shipwrecked companions, half famished, and after severe suffering, finally reached the fort only to find that it had fallen into the possession of the Spaniards. Menendez gave the French his word of honor that they would not be harmed should they surrender, but after the French had given

* Southey, *John Hawkins*; R. A. S. Walling, *Sea-Dog of Devon, a Life of Sir John Hawkins* (1907); Edward J. Payne, *Voyages of the Elizabethan Seamen to America*, 1st series, p. 55 et seq.; Hakluyt, vol. iii., p. 594; Purchas, vol. iv., 1177; Anderson, *History of Commerce*, vol. i., p. 400.

† Bancroft, vol. i., pp. 52-54 (last rev.); Parkman, *Pioneers of France*, pp. 48-95, and authorities cited in addition to above: letters of Laudonnière in Basanier; Le Moyne, *Brevis Narratio eorum quae in Florida Americae Provincia Gallia acciderunt* (Le Moyne was Laudonnière's artist and his narratives and maps form the second part of De Bry's *Grand Voyages*, Frankfort, 1591); *Coppie d'une Lettre venant de la Floride* (Paris, 1565, being a letter from one of the adventurers under Laudonnière, and reprinted in the *Récueil de Pièces sur la Floride* of Ternaux-Compans), Barcia (Cardenas y Cano), *Ensayo Cronologico para la Historia General de la Florida* (Madrid, 1723, containing many original documents); Johnson, *French Pathfinders*, pp. 77-91.

themselves up, they were promptly butchered under circumstances of most shocking barbarity. A number of mangled limbs of the victims were hung upon a tree with the inscription: "Not because they are Frenchmen but because they are heretics and enemies of God."*

It is needless to say that intelligence of this outrage excited a strong desire for vengeance among the people of France, and the widows and orphans of the slain invoked Charles IX. to demand recompense from the Spanish monarch, but he refused.† But the relatives of the victims did not go for long without a champion. Dominique de Gourgues, a brave

Gascon, determined to devote his entire fortune and time to achieving some signal and terrible retribution. Equipping three small vessels which he manned with 80 seamen and 150 troops, he crossed the Atlantic, sailed along the coast of Florida, and in 1567 landed at a river about 15 leagues distant from the River May. The Spaniards meanwhile had repaired the great fort which had been begun by the French, and to the number of 400 they awaited the attack of the French. Two smaller forts, defended by 120 soldiers and well supplied with artillery and ammunition also guarded the river mouth about two leagues below the principal fort. Though informed of the strength of the garrison and the impregnability of the fort, Gourgues obtained the assistance of some of the natives and promptly made a vigorous and desperate assault. The result of the attack was that only 15 out of the 60 Spaniards in the first fort escaped, while the entire garrison of the second fort was killed. The third fort was easily taken after a company of the garrison had sallied forth and had been killed on the spot. All of the surviving Spaniards were led away prisoners, together with the 15 who had escaped death in the attack on the first fort, and Gourgues meted out to them the same treatment that had previously been bestowed upon the French. He hung them to the boughs of the same trees, attaching to their bodies the following declara-

* Hildreth, vol. i., pp. 73-75; Bancroft, vol. i., pp. 54-58 (last rev.); Morris, *Discoverers and Explorers of America*, pp. 137-144; Johnson, *French Pathfinders*, p. 91 et seq.; Parkman, *Pioneers of France*, pp. 96-150 and authorities cited: Barcia's *Ensayo Cronologico*; *Siete Cartas escritas al Rey por el General Pero Menendez de Avilés, Años de 1565 y 1566* (the dispatches of Menendez to Philip II.); Francisco Lopez de Mendoza Grajales, *Relacion de la Jornada de Pedro Menendez de Avilés en la Florida* (printed in *Coleccion de Documentos In ditos del Archivo de Indias*, iii., 441, a French translation of which is the *Récueil de Pièces sur la Floride* of Ternaux-Compans); Challeux, *Discours de l'Histoire de la Floride*, the story by a Huguenot carpenter who went to Florida in 1565 (Dieppe, 1566); *Une Requête au Roy, faite en forme de Complainte par les Femmes veufves, etc.*, a petition for redress to Charles IX. by the relatives of the slain Frenchmen, which relates many incidents of the massacre (1566). On the work of the Catholic missionaries during this time, see Shea, *American Catholic Missions*, p. 53 et seq.

† Parkman, *Pioneers*, pp. 151-156 and the principal authority cited: *Lettres et Papiers d'Etat du Sieur de Forquevaux*, etc. (Bibliothèque Nationale) containing the correspondence between the Spanish and French courts. These letters are printed by Gafferal in his *Histoire de la Floride Française*.

tion: "I do not this as unto Spaniards or mariners, but as unto traitors, robbers and murderers." Gourgues then demolished the three forts, and considering that his force was not strong enough to remain in the country any great length of time, he returned to France, May, 1568. This marked the end of the efforts made by the French Protestants to establish settlements in Florida.*

During the latter half of the 16th century France was convulsed by the long and bloody struggles between Protestants and Roman Catholics, and consequently no serious attempts at colonization in the New World were made by that nation. Peace and prosperity were restored upon the accession of Henry IV., and the relations became more harmonious by his abjuration of Protestantism and the Edict of Nantes, by the terms of which civil and religious liberty was secured to the Huguenots. Furthermore, the arts of industry and trade were fostered under the wise and skillful administration of Sully. In 1598 Marquis de la Roche obtained a commission to take possession of Canada and other neighboring countries "not possessed by any Christian prince," but the attempt was an utter failure.†

* Fiske, *Discovery of America*, vol. ii., pp. 511-522; Parkman, *Pioneers of France*, pp. 157-179 and authorities cited, particularly *La Repriuse de la Floride par le Cappitaine Gourgue*, a manuscript in the Bibliothèque Nationale printed in the *Récueil* of Ternaux-Compans and containing a detailed account of the expedition of Gourgues.

† Douglas, *Quebec in the Seventeenth Century*,

In 1600, shortly after the death of La Roche, Pierre Chauvin, a naval officer, and François Gravé, Sieur du Pont, commonly known as Pontgravé, a merchant of St. Malo, engaged in the fur trade and pursued it with much profit to himself, but did not succeed, however, in doing anything of moment toward colonization.*

Three years later, however, an expedition was organized by a company of merchants at Rouen,† and sent out under the command of Pontgravé and Samuel de Champlain, who acted as lieutenant of the expedition.‡ After a careful exploration and examination, Champlain selected the site of the present city of Quebec as a suitable place for a fort.¶ On November 8, 1603, a patent was issued to Pierre du Gast, Sieur De Monts, a Huguenot gentleman of the king's chamber, which granted to him sovereignty over Acadia from the fortieth to the forty-sixth degrees of north latitude, which

pp. 68-70; Parkman, p. 231 *et seq.*; Fiske, *New France and New England*, pp. 35-36; Roberts, *History of Canada*, pp. 20-21.

* Fiske, *New France and New England*, pp. 36-37; Winsor, *Cartier to Frontenac*, pp. 77-80; Douglas, *Quebec*, pp. 70-71; Miles, *Canada*, pp. 30-31.

† For the various companies see Morris, *History of Colonization*, vol. i., p. 366 *et seq.*

‡ Parkman, *Pioneers of France*, pp. 235-242. Champlain's account of his first voyage to the St. Lawrence was published at Paris in 1604 under the title *Des Sauvages*. See also Winsor, *Cartier to Frontenac*, pp. 80-88.

¶ On the early Indian settlements along the St. Lawrence see Fiske, *New France and New England*, pp. 38-49; Colden, *History of the Five Indian Nations* (London, 1755); Morgan, *League of the Iroquois*.

included a tract of territory from about the latitude of Philadelphia as far north as Cape Breton.* De Monts was also granted a monopoly of the fur trade. On April 7, 1604, the expedition, consisting of four ships, set sail for its destination, and accompanying it were De Monts, Champlain, Pontgravé, the subsequently celebrated historian, Marc Lescarbot, and Jean de Biencourt, Sieur De Poutrincourt. The last named had obtained permission to remain in the harbor which he called Port Royal, but Champlain decided to continue his explorations. He therefore sailed around the Bay of Fundy, discovered and named the St. John's River and selected a site for a settlement on the Island St. Croix, at the river of the same name. The site chosen was not well situated, and in the following year, 1605, the colony was removed to Port Royal, afterward renamed Annapolis by the English.† This was the first actual settlement by the French on the American continent. Attempts were made also to establish settlements in the vicinity of Cape Cod, but the natives were so hostile that the project was abandoned. During the following

ten years, numerous and successful efforts to convert the natives were made by the Jesuit and other priests, among whom were Fathers Peter Biard, Enemond Massé, Joseph Le Caron, William Poulain, etc.*

In 1608 the monopoly of De Monts was revoked, but not before Quebec was founded. This was principally due to Champlain. He had foreseen that the nation which first planted a strong settlement on the St. Lawrence would be able to control a large portion of the fur trade, as this river was a great highway for the canoe of the savage and the ship of the white man. Pontgravé, the associate of Champlain in this enterprise, had sailed to Canada shortly before Champlain, and upon his arrival at Tadoussac, a trading-post situated at the confluence of the Saguenay with the St. Lawrence, he found there some Basques, who were carrying on a thriving fur trade with the Indians. Pontgravé immediately forbade this traffic under the terms of the royal patent, but the Basques refused to discontinue their profitable trade and opened fire on the French, wounding Pontgravé. Champlain soon arrived, how-

* The charter or patent to Acadia in Latin will be found in Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1619-1620.

† Parkman, *Pioneers of France*, pp. 243-257; Sagard, *Histoire du Canada* (1636); Lescarbot, *Histoire de la Nouvelle France*, vol. ii. (1612); Winsor, pp. 90-91; Fiske, *New France and New England*, pp. 49-58; Johnson, *French Pathfinders*, pp. 101-115; Miles, *Canada*, pp. 30-35; Roberts, *Canada*, pp. 22-27; Bancroft, vol. i., p. 19 (last rev.).

* For details of which see Parkman, pp. 258-323; Fiske, pp. 72-97; R. P. Auguste Carayon, *Première Mission des Jésuites au Canada* (Paris, 1864), containing a collection of letters from the Jesuit priests; Lescarbot's *Histoire* (ed. of 1618); Lescarbot, *Muses de la Nouvelle France*; the *Relation* of the Jesuit Biard; Reuben G. Thwaites, *The Jesuit Relations*; Rev. T. J. Campbell, S. J., *Pioneer Priests of North America*, vol. ii., pp. 3-61 (1910); Shea, *American Catholic Missions*, p. 129 *et seq.*

ever, and compelled the Basques to relinquish their trade.

Leaving Pontgravé to fill his ships with furs and return to France, Champlain sailed up the river and founded Quebec, the modest beginnings of the now splendid city consisting of three wooden buildings, a storehouse and a fort with two or three small cannon.* Soon afterward the Basques formed a plot with some of Champlain's men to capture the new settlement and massacre the inhabitants, but Champlain seized the leaders and hanged them, after which he experienced no further trouble from that source.† With 28 men, Champlain now prepared to withstand the rigors of their first winter, but the scurvy attacked them and by spring only eight of the 28 remained alive.‡ Fortunately, Pontgravé arrived in the summer with stores of provisions and further reinforcements.

In 1609 Champlain set out on an exploring expedition in the hope of finding a route to China, at the same time planning to aid the Algonquins and Hurons by joining them in an attack on the Iroquois. Ascending the St. Lawrence River, the party came to the Richelieu or Sorel River, up which they went, penetrating the Iroquois country for many miles. In

a short time Champlain came to that beautiful lake which bears his name and perpetuates his memory, down which it was his intention to pass, thence into Lake George, and then to the Hudson and the Mohawk settlements. But while on Lake Champlain, a war party of Iroquois was met, and on July 30, 1609, a bloody battle was fought. Champlain and his men astonished and frightened the Indians by killing some with their guns, and the Iroquois became panic-stricken and fled in terror, the result being a complete victory for the French.* What might have been Champlain's motive in joining the enemies of the Iroquois is not for us to speculate upon here; what concerns us is the fact that the fight, though insignificant in itself, had tremendous and far-reaching consequences, as it aroused the hatred and anger of the Five Nations against the French, which even the labors of the Jesuit priests were unable to appease.† In the early part of 1610, Champlain again aided the Algonquins to defeat an invading party of Iroquois, and in this battle he was wounded.‡ In the summer of 1611 he returned to France.

* For the details see Parkman, *Pioneers of France*, p. 339 *et seq.*; Winsor, *Cartier to Frontenac*, pp. 96-97; Colby, *Canadian Types of the Old Régime*, pp. 68-73; Miles, *Canada*, pp. 37-40; R. G. Thwaites, *Champlain's Battle with the Iroquois*, in Ripley Hitchcock's *Decisive Battles of America*, pp. 27-30 (1909); Roberts, *New York*, vol. i., p. 11 *et seq.*

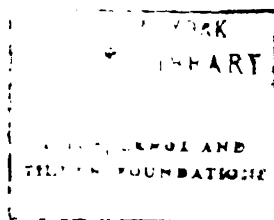
† Douglas, *Quebec*, p. 90 *et seq.*

‡ Douglas, pp. 96-98; McMullen, *Canada*, p. 14.

* McMullen, *History of Canada*, pp. 10-12.

† Charles W. Colby, *Canadian Types of the Old Régime*, p. 67 (1908); Douglas, *Quebec*, pp. 86-88; Parker and Bryan, *Old Quebec*, p. 27.

‡ Miles, *Canada*, pp. 36-37.

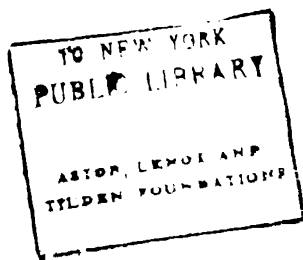




CHAMPLAIN'S MAP C
(From the original in the



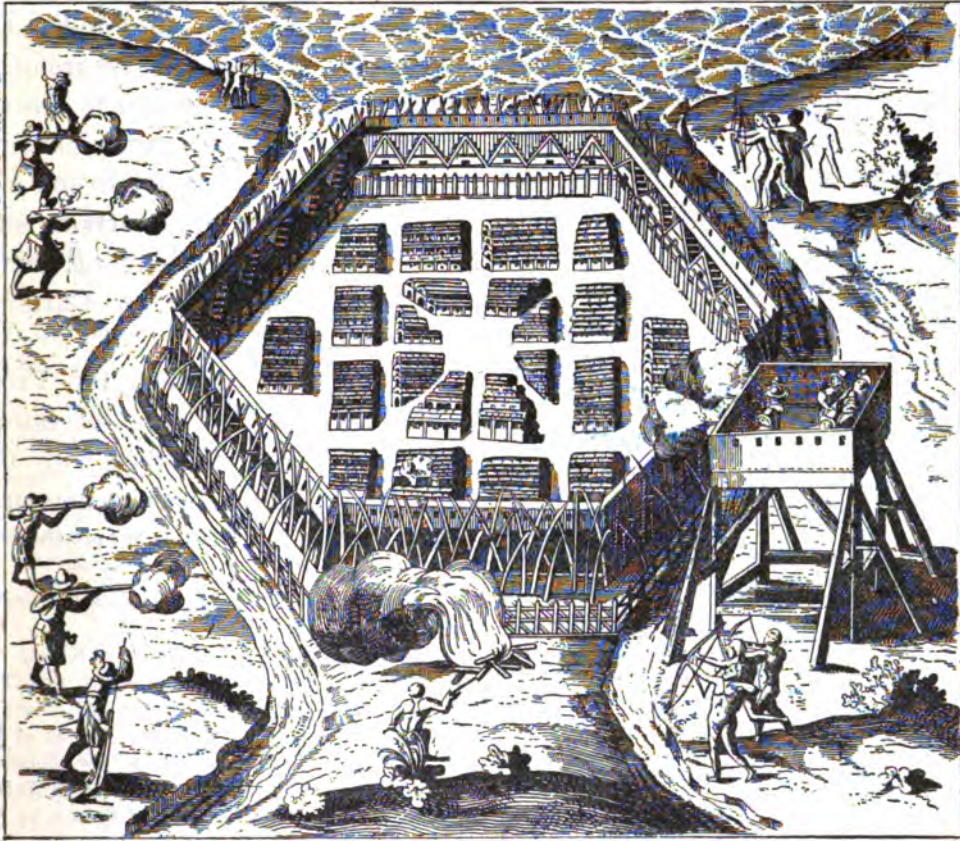
MAP OF NEW FRANCE 1632.
(New York State Library.)



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On May 7, 1613, Champlain arrived at Quebec after an absence of twenty-one months, and the following summer was spent in exploring the Ottawa. On August 8 he again sailed for France, where the following two years were spent with his wife and in at-

four Recollect missionaries and on May 26, 1615, again landed in Canada, where the presence of the Fathers preserved the colony from sinking into barbarism.* Champlain determined to accompany a great force of Algonquins and Hurons for the pur-



Champlain's Attack on Indian Fort in Western New York.

From the original in Champlain's *Nouvelle France*.

tending to the affairs of the company with which he was associated. At this time also he took the first steps toward converting Quebec into a settled community by making provision for religious instruction and civil administration. He secured the services of

pose of invading the Iroquois country. The Indians departed upon their march before Champlain was prepared, but he soon followed with some Indians and Frenchmen. He

* Douglas, pp. 110-118; Miles, *Canada*, p. 46 et seq.

went up the Ottawa River, made a portage through the woods, crossed Lake Nipissing, descended French River, and finally came to Lake Huron. Passing along the eastern shore of Georgian Bay, Champlain soon came to the lower end of the lake; then struck out into the heart of the Huron country, between Lakes Huron and Ontario; and after crossing Lake Simcoe and descending the Trent River, he came to Lake Ontario. Passing along the latter, Champlain and the Indians entered the territory of the Iroquois in New York State, soon afterward engaging in a fruitless attempt to dislodge a band of the latter who had strongly fortified themselves. In this attack, the Hurons lost 17 warriors and Champlain was twice wounded, this failure causing him to lose much of his influence over the Indians. The French party then retreated to Lake Ontario and Champlain decided to return to Quebec, but the Indians refused to accompany him, and he was forced to spend the winter in the village of the Hurons. In the spring, the Frenchmen resolved to attempt the long journey alone, and after many adventures reached Quebec.*

Thenceforth Champlain's chief labors were expended in guarding the little settlement from Indian attacks, in endeavoring to secure additional colonists and in maintaining peace be-

tween the missionaries, colonists, Indians and traders.* In July, 1629, Quebec was captured by an English fleet under David Kirke and his brothers Louis and Thomas, but on March 29, 1632, it was returned to the French by the treaty of St. Germain-en-Laye.† After having been detained some time in London as a prisoner, Champlain returned to France and was restored to the governorship. This energetic man lived through many severe trials and afflictions which beset his efforts in establishing a French colony on the St. Lawrence. He died on Christmas day, 1635.

Thus was established the French claim to that vast tract of interior America, which, together with Canada and Acadia, was denominated *New France*.‡ “Such were the voy-

* Douglas, pp. 119-182, gives details. See also Miles, pp. 54-72.

† Douglas, pp. 183-227; Henry Kirke, *First English Conquest of Canada*; Miles, pp. 72-75; Parker and Bryan, *Old Quebec*, p. 36 et seq.

‡ Winsor, *Cartier to Frontenac*, p. 93 et seq.; W. L. Grant, *Voyages of Samuel de Champlain, 1604-1618*; Fiske, *New France and New England*, pp. 58-71; Parkman, *Pioneers of France*, pp. 325-454; A. N. Bourne, *Samuel de Champlain: Voyages and Explorations, 1604-1616*; Johnson, *French Pathfinders*, pp. 119-144; Charles Morris, *Discoverers and Explorers*, pp. 198-208; Miles, *Canada*, pp. 75-102 and in addition to the various narratives previously mentioned see also the *Relations* by the Jesuits Charles Lalemant, LeJune and Brebeuf and the two narratives: *Relation du Voyage fait à Canada pour la Prise de Possession du Fort de Quebec par les François*, in vol. xviii. of the *Mercure Française*, and *Voyage de Champlain* in vol. xix. of the same. Champlain's accounts of his later voyages were published at Paris in 1613, 1615, 1617, 1620, 1627, under the

* Roberts, *New York*, vol. i., pp. 16-17; Miles, *Canada*, pp. 47-54; Roberts, *Canada*, pp. 38-39; McMullen, *Canada*, pp. 18-20.

ages which led the way to the colonization of the United States. The daring and skill of these earliest adventurers upon the ocean deserve the highest admiration. The difficulties of crossing the Atlantic were new, and it required the greater courage to encounter hazards which ignorance exaggerated. The character of the prevalent winds and currents was unknown. The possibility of making a direct passage was but gradually discovered. The imagined dangers were infinite; the real dangers exceedingly great. The ships at first employed for discovery were generally of less than one hundred tons burden; Frobisher sailed in a vessel of but twenty-five tons; two of those of Columbus were without a deck;

and so perilous were the voyages deemed, that the sailors were accustomed, before embarking, to perform solemn acts of devotion, as if to prepare for eternity. The anticipation of disasters was not visionary; Columbus was shipwrecked twice, and once remained for eight months on an island, without any communication with the civilized world; Hudson was turned adrift in a small boat by a crew whom suffering had rendered mutinous; Willoughby perished in the cold; Robertval, Parmenius, Gilbert — and how many others? — went down at sea; and such was the state of the art of navigation, that intrepidity and skill were unavailing against the elements without the favor of heaven.”*

title *Voyage de la Nouvelle France*, and he also published in 1632 a compendium of all his previous publications.

* Bancroft, *History of the United States*, vol. ii., p. 115 (1st ed.).

CHAPTER II.

1553-1606.

PRELIMINARY STEPS TO COLONIZATION.

The voyages of Willoughby and Chancellor — Willoughby dies, Chancellor goes to Russia — Development of the spirit of maritime adventure during Elizabeth's reign — Elizabeth's sagacity in crippling Spain — Martin Frobisher and Sir Francis Drake — Sir Humphrey Gilbert granted a charter — His first attempt to establish a settlement a failure — Raleigh aids second expedition — Gilbert loses his life — Raleigh becomes lord proprietary — Report of Amadas and Barlow — Region discovered named Virginia — Ralph Lane appointed governor — Grenville attacks natives — Lane's explorations — Hariot attempts to Christianize natives — Roanoke abandoned — Raleigh equips another expedition and appoints White governor — Virginia Dare born — Virginia settlement again abandoned — Raleigh abandons attempt to colonize and assigns patent — Voyages of Gosnold, Pring and Weymouth — The London and Plymouth Companies — Powers granted under the charter and instructions. Appendix to Chapter II. — First Charter of Virginia, 1606.

The preliminary work of discovery having now been done, the English entered with earnestness and vigor into the work of settlement and colonization. They also made further efforts to discover such parts of the continent as had not already been touched. Sebastian Cabot's efforts had been very influential in exciting curiosity concerning the New World during the reigns of Henry VIII. and Edward VI., and although failure had met every attempt to find a northwest passage to the Indies, still the navigators of that age clung to the idea that such a passage would yet be discovered. Cabot advised and urged that a new path be sought, and presented various reasons for thinking it probable that there was a passage by a northeastern route to the eagerly sought Cathay. In 1553, therefore, a company of merchants was formed known as the "Society for the Dis-

covery of Unknown Lands," and the "Grand Pilot of England" was placed at its head. An expedition was then fitted out, the instructions and directions for which were drawn up by Cabot himself, but the command was entrusted to Sir Hugh Willoughby.* "At the first setting forth of these northeastern discoverers," says Hakluyt, "they were almost altogether destitute of clear lights and inducements, or if they had an inkling at all, it was misty as they found the northern seas, and so obscure and ambiguous, that it was meet rather to deter than to give them encouragement. Into what dangers and difficulties they plunged themselves '*animus meminisse horret*,' I tremble to relate. For, first they were to expose themselves unto the rigor of the

* Mill, *History of British India*, vol. i., p. 5; Bancroft, vol. i., pp. 61-62.

stern and uncouth northern seas, and to make trial of the swelling waves and boisterous winds which there commonly do surge and blow." The "driftes of snow and mountains of ice, even in the summer the hideous overfalls, uncertaine currents, darke mistes and fogs, and other fearful inconveniences," which the expedition had to encounter, he contrasts with "the milde, lightsome, and temperate Atlantick Ocean, over which the Spaniards and Portuguese have made so many pleasant, prosperous, and golden voyages, to the satisfaction of their fame-thirsty and gold-thirsty minds, with that reputation and wealth which made all misadventures seem tolerable unto them." Storms separated Willoughby and Chancellor, however, and after doubling the "dreadful and mistie North Cape," they were surprised by the terrors of a polar winter. The result was different in each case. Willoughby, having sought shelter in an obscure harbor of Lapland, suffered a fearful and lingering death. In the spring of 1554 his retreat was discovered, the corpses of the frozen sailors lay about the ship, and Willoughby himself was found dead in his cabin, the only details regarding the sufferings which we have being given in his journal.* Chancellor, however, was more fortunate. Entering the White Sea, he secured shelter in the harbor of Archangel where he was received with

great hospitality by the Muscovites. There he learned of the vastness of the empire which he had discovered, and, journeying to Moscow, presented to the czar, Ivan the Terrible, a letter which he had been given by Edward VI. Ivan was sufficiently sagacious to see the advantage of opening a trade with the western nations of Europe, and therefore received Chancellor very courteously, listening to his story with rapt attention. He also gave him a letter to the king of England, inviting English trade under promises of favor and ample protection.*

The accession and reign of Elizabeth gave opportunity for the development of the spirit of maritime adventure, which had not been very active during the reign of Mary. "The domestic tranquillity of the kingdom," says Dr. Robertson, "maintained almost without interruption, during the course of a long and prosperous reign; the peace with foreign nations, that subsisted more than twenty years after Elizabeth was seated on the throne; the queen's attentive economy, which exempted her subjects from the burden of taxes oppressive to trade; the popularity of her administration; were all favorable to commercial enterprise, and called it forth into vigorous exertion. The discerning eye of Elizabeth hav-

* Bancroft, vol. i., p. 62.

* The authorities for Chancellor's voyage will be found in the first volume of Hakluyt. See also Hume, *History of England*, vol. iv., p. 365; Lamb, *History of the City of New York*, vol. i., p. 21.

ing early perceived that the security of a kingdom environed by the sea depended on its naval force, she began her government by adding to the number and strength of the royal navy; she fills her arsenals with naval stores; she built several ships of great force, according to the ideas of that age, and encouraged her subjects to imitate her example, that they might no longer depend on foreigners, from whom the English had hitherto purchased all vessels of any considerable burden. By those efforts the skill of the English artificers was improved, the numbers of sailors increased, and the attention of the public turned to the navy, as the most important national object." *

Elizabeth encouraged her subjects to trade with Russia, to seek and penetrate Persia by land, and in all ways to open new paths to commercial enterprise and activity. She displayed rare sagacity and shrewdness in her methods of crippling her most important rival. As the English navy could not compete with the Spanish, Elizabeth adopted the course of cutting off the Spanish sources of supplies and revenues, which to a great extent came from the Western Hemisphere. But in doing this, she did not allow these expeditions against the Spanish to go forth in her name, compelling the captains to assume full responsibility in case of failure, but sharing in the profits in case of suc-

cess. Fiske says: "It quite suited Elizabeth's tortuous policy, in contending against formidable odds, to be able either to assume or to disclaim responsibility for the deeds of her captains. Those brave men well understood the situation, and with earnest patriotism and chivalrous loyalty not only accepted it, but even urged the queen to be allowed to serve her interests at their own risk." * In November, 1577, one of these men wrote a letter to her asking permission to destroy any Spanish ships caught fishing off Newfoundland, saying: "If you will let us first do this, we will next take the West Indies from Spain. You will have the gold and silver mines and the profit of the soil. You will be monarch of the seas and out of danger from every one. I will do it if you will allow me; only you must resolve and not delay or dally — the wings of man's life are plumed with the feathers of death." †

As previous attempts to discover a northeast passage had failed, in 1576 efforts to find an opening to the northwest were renewed. Martin Frobisher was given the command of three small vessels in which he made three successive voyages and to some extent explored the coast of Greenland and Hudson's Bay. He was not successful in accomplishing the object of his

* Fiske, *Old Virginia and Her Neighbours*, vol. i., p. 23 (copyright by Houghton, Mifflin & Co.).

† Brown, *Genesis of the United States*, vol. i., p. 9.

* Robertson, *History of America*, Book ix., p. 207.

expedition.* On November 15, 1577, Sir Francis Drake entered upon his voyage of fortune in the *Golden Hind*, originally the *Pelican*, and by his success added much fame to his name, although he did not produce any essential benefit to commerce and trade. Following the track of Magellan, Drake was bold enough to cross the equator, and then ranged the Pacific coast of America to the forty-third degree of latitude in the hope of finding a northwest passage from the Atlantic to the Pacific. But he, too, was unsuccessful. He arrived in England in the fall of 1580, in the third year after his departure.†

In 1578, the same year that Fro-bisher's third voyage terminated so disastrously,‡ England made an attempt under the queen's patronage to establish a settlement in America, for which Sir Humphrey Gilbert, a distinguished and able gentlemen both as a soldier and a writer on naviga-

tion, was chiefly responsible. The queen granted him a patent which gave him large powers and also every hope that he would succeed in carrying out his designs. He was allowed six years in which to establish his colony. This was the first charter granted by the crown of England to a colony, and we shall therefore give its articles some attention as showing the ideas regarding settlements which prevailed in England at that period. Gilbert was authorized by Elizabeth to discover and take possession of any lands, remote and barbarous, which were then unoccupied by any Christian prince or people. He was given the right of property in the soil of whatever countries he might take possession. He, his heirs and assigns were empowered to dispose of any portion of those lands that he should deem fit to such persons as might settle there, in fee simple, according to the laws of England, while it was further ordained that all the lands granted to Gilbert should hold to the crown of England by homage, provided that one-fifth of the gold or silver ore found there were paid to the crown. By this charter Gilbert, his heirs and assigns were also given full power to govern and rule, convict, punish and pardon, both in capital, criminal and civil cases, according to their own judgment and discretion, all persons who should settle within the countries he occupied, and it was further declared that all such settlers should have and enjoy every privilege

* A full account of these voyages will be found in the third volume of Hakluyt. See also Edward J. Payne, *Voyages of the Elizabethan Seamen to America*, 1st series, pp. 88-192; Morris, *Discoverers and Explorers*, pp. 145-151; Bancroft, vol. i., pp. 63-64.

† Froude, *English Seamen of the Sixteenth Century*, pp. 78-103; Payne, *Voyages of the Elizabethan Seamen*, 1st series, pp. 196-229; Morris, *Discoverers and Explorers*, pp. 152-160; Bourne, *English Seamen Under the Tudors*; Barrow, *Life of Sir Francis Drake* (1843); Julian Corbett, *Drake and the Rise of the Tudor Navy*, and *Life of Sir Francis Drake* (1899); Gordon Stables, *Old England on the Sea: The Story of Admiral Drake*; J. M. Towle, *Drake, the Sea King of Devon* (1883); J. P. Frothingham, *Sir Francis Drake, in Sea-Fighters from Drake to Farragut* (1902).

‡ See Bancroft, vol. i., p. 64 *et seq.* for details.

belonging to a free denizen and native of England, any law, custom or usage to the contrary notwithstanding. The charter also prohibited the settling of any person within 200 leagues of any place which Gilbert or his associates might occupy during the period named for the permanent settlement of the colony.*

Though Gilbert placed a large part of his fortune at the disposal of this expedition,† it was a failure from the start, because of dissensions and disputes among those who had volunteered to go with him. On September 23, 1578, he started out with a few friends, but before he had gone far one of his ships, of which Miles Morgan‡ was captain, was lost in a storm. In addition to this, he was attacked by a Spanish squadron and was compelled to return, which he did in a most disheartened frame of mind.

At this time Sir Walter Raleigh appeared on the scene. He was a step-brother of Gilbert, a man of surpassing genius, wonderful acquirements and lofty aspirations. He now came to the aid of his step-brother

and it is even supposed that he accompanied Gilbert on his first voyage in 1578. When this proved to be a failure, he even used his influence to enlist the queen's favor in behalf of the expedition.* He also furnished a vessel of 200 tons which was named after him and used every endeavor to make the expedition a complete success with the exception of going himself with it in person. On June 11, 1583, Gilbert again set sail on the second voyage with a fleet of five ships and barks, the *Delight*, *Raleigh*, *Golden Hind*, *Swallow* and *Squirrel*, in which also embarked a large body of soldiers, sailors and colonists. On August 3 Gilbert reached Newfoundland, and on the 5th took possession of it in the name of Elizabeth. He then raised a pillar on which were emblazoned the arms of England, read the royal charter granting him the right of property there, and delivered to the admiral a sod and turf of the soil† In addition to his other hardships, Gilbert was also compelled to undergo the trying experience of mutiny and disorderly conduct among his sailors. On August 29, as his ships sailed toward the south, to "bring the whole land within compass of the patent," the *Delight*, his principal ship, struck upon a shoal, owing chiefly to the carelessness of

* Hakluyt, vol. iii., pp. 135-174; Herbert L. Osgood, *The American Colonies in the Seventeenth Century*, vol. i., pp. 6-7. The patent to Gilbert will be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 49-52; Rev. Carlos Shafter, *Sir Humphrey Gylberte and His Enterprise of Colonization in America*, in *Publications of the Prince Society*, pp. 95-102 (Boston, 1903).

† The names of those who contributed to the voyage are given in the *English Colonial Records*, 1675-1676, Addenda, p. 16.

‡ Dasent, *Acts of the Privy Council*, 1578-1580, pp. 109, 142-146.

* The plans made by Gilbert for the distribution of the land, the government of new territories discovered, etc., are given in Osgood, *American Colonies*, vol. i., pp. 9-12.

† Hakluyt, vol. iii., p. 192; Bancroft, vol. i., pp. 67-68.

his sailors, and became a total wreck. Among the hundred or more men who perished in the wreck were Stephen Parmenius, the Hungarian, generally known as Budæus from his native city, who was to have been the chronicler of the expedition as well as "their Saxon refiner and discoverer of inestimable riches." All the records and the papers of the admiral were also lost. Sir Humphrey then decided to return home as the autumnal gales were now approaching which would render navigation perilous and very dangerous for small vessels; but rather than go on board a larger vessel, Sir Humphrey, who had sailed in the *Squirrel*, their ten ton frigate, insisted in remaining on board with his brave shipmates. The two ships sailed together, Gilbert from time to time going aboard the *Hind* to encourage his companions with promises and prospects of future success; but the weather gradually became more frightful, and on Monday, September 9, the *Squirrel* was nearly engulfed by a huge sea, but miraculously escaped. As she emerged, Gilbert was seen to be seated on the stern with a book in his hand and calmly exclaimed: "We are as near to Heaven by sea as by land." These are the last words he is known to have uttered, for at midnight the *Squirrel* was observed by the watchers aboard the *Hind* to disappear amid the blackness of the night—the miniature frigate had foundered. The *Hind*, however, suc-

cessfully rode out the storm and on September 22 reached Falmouth in safety, bringing with her news of the disaster and of Gilbert's fate.*

Raleigh, however, was not in the least deterred by the sad fate of his step-brother and was more than ever determined to carry out his plan of colonization and discovery in America. He wished to secure a milder climate for his colony, and therefore on March 25, 1584, induced Elizabeth to give him a patent which was fully as ample as that granted to Gilbert.† In addition to being constituted lord proprietary, Raleigh was given almost unlimited power in his colony, the only condition being that he must reserve to the crown one-fifth of all the gold and silver which might be found in the region. Having secured his tract of territory, on April 27, 1584, he sent out two ships under the command of Philip Amadas (or Amidias) and Arthur Barlow. The shores of Greenland were sighted early in July, but before landing and

* Payne, *Voyages of the Elizabethan Seamen*, 2d series, pp. 5-50; and *Lives of Gilbert* by St. John (1868), Tytlor (1833), and Edwards (1868); Morris, *Discoverers and Explorers of America*, pp. 161-165; Doyle, *English Colonies in America*, vol. i., pp. 43-52. The papers relating to Gilbert will be found in full in Shafter's *Sir Humphrey Gylberte*, in *Publications of the Prince Society*, vol. xvii.

† Hakluyt. vol. lii., p. 297; Hazard, *State Papers*, vol. i., p. 33; Tarbox, *Sir Walter Raleigh and his Colony in America* (Prince Soc.), p. 95. The charter will be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 53-57; *Collections of the Massachusetts Historical Society*, 3d series, vol. viii., p. 117.

taking possession, they ranged the coast for 120 miles until they had come to the island of Wococon, the southernmost of the islands that form the Ocracoke Inlet. There a landing was made and possession taken of the island in the name of Elizabeth. Amadas and Barlow contented themselves with very limited explorations, but they are supposed to have visited about eighteen of the modern counties within the coast district of North Carolina.* They were charmed with the beauty of everything they saw and were only too willing to believe that a scene so enchanting could never undergo any change. In September of the same year they returned to England taking with them two of the natives, Wanchese and Manteo, and upon their arrival in England gave Raleigh a glowing description of their travels and of the country.† This description has been preserved by Hakluyt, and part of it is well worth quoting.

"The soile is the most plentiful, sweete, fruitfull and wholesome of all the worlde; there are above fourteene severall sweete smelling timber trees, and the most part of their underwoods are bayes and such like; they have those okes that we have, but farre greater and better. After they had bene divers times aboard our shippes, my selfe, with seven more, went twentie mile into the river that runneth towarde the citie of Skicoak, which river they call Occam; and the evening following, we came to an island, which they call Roanoke, distant from the harbour by

which we entered seven leagues; and at the north end thereof was a village of nine houses, built of cedar, and fortified round about with sharpe trees to keep out their enemies, and the entrance into it made like a turnepike, very artificially; when we came towardes it, standing neer unto the waters' side, the wife of Granganimo, the king's brother came running out to meete us very cheerfully and friendly; her husband was not then in the village; some of her people shee commanded to drawe our boate on shore for the beating of the billoe, others she appointed to cary us on their backs to the dry ground, and others to bring our oares into the house for feare of stealing. When we were come into the utter roome, having five roomes in her house, she caused us to sit down by a great fire and after tooke off our clothes and washed them, and dried them againe; some of the women plucked off our stockings and washed them, some washed our fete in warm water, and she herself tooke great paines to see all things ordered in the best manner she could, making great haste to dresse some meate for us to eate. After we had thus dried ourselves, she brought us into this inner roome, where shee set on a boord standing along the house, some wheate like furmentie; sodden venison and roasted; fish, sodden, boyled, and roasted; melons, rawe and sodden; rootes of divers kinds; and divers fruites. Their drinke is commonly water, but while the grape listeth, they drinke wine, and for want of caskes to keepe it, all the yere after they drink water, but it is sodden with ginger in it, and black sinamon, and sometimes sassaphras, and divers other wholesome and medicinable hearbes and trees. We were entertained with all love and kindnesse, and with as much bountie, after their manner, as they could possibly devise. We found the people most gentle, loving and faithfull, voide of all guile and treason, and such as live after the maner of the golden age. The people onely care howe to defend themselves from the cold in their short winter, and to feed themselves with such meat as the soile afforeth; their meat is very well sodden, and they make broth very sweet and savorie; their vessels are earthen pots, very large, white, and sweete; their dishes are wooden platters of sweet timber. Within the place where they feede was their lodging, and within that their idoll, which they worship, of whom they speak incredible things. While we ware at meate, there came in at the gates two or three men with their bowes and arrowes from hunting, whom, when we espied, we beganne to looke one towardes another, and offered to reach our weapons; but as soon as

* Hawks, *History of North Carolina*, vol. i., pp. 108-111.

† Doyle, *English Colonies in America*, vol. i., pp. 56-59; Payne, *Voyages of Elizabethan Seamen*, 2d series, pp. 53-67; Bancroft, vol. i., pp. 69-70.

shee espied our mistrust, she was very much moved, and caused some of her men to runne out, and take away their bowes and arrowes and break them, and withall, beate the poore fellows out of the gate againe. When we departed in the evening, and would not tarry all night, she was very sory, and gave us into our boate our supper half dressed, pottes and all, and brought us to our boate side, in which we lay all night, removing the same a prettie distance from the shoare; shee perceiving our jelousie, was much grieved, and sent divers men and thirtie women to sit all night on the banke-side by us, and sent us into our boates five mattes, to cover us from the raine, using very many wordes to entreate us to rest in their houses; but because we were fewe men, and if we had miscarried the voyage had bene in very great danger, we durst not adventure any thing, although there was no cause for doubt, for a more kinde and loving people there cannot be found in the worlde, as far as we have hitherto had triall.*

Needless to say, the account given by these two men delighted both Raleigh and Elizabeth, and the latter requested that the new region be called Virginia, in honor of the virgin queen of England. This discovery placed Raleigh still more firmly in the favor of the queen, and he soon afterward was knighted. In order that he might be better able financially to carry on his colonization schemes, Elizabeth granted him a lucrative monopoly of wines and also bestowed many other kindnesses on him, so that it was not difficult for him under the circumstances to fit out a well-equipped expedition. On April 9, 1585, an expedition, consisting of seven vessels with 107 colonists and under the command of Sir Richard Grenville, one of the bravest men of his age, sailed from Plymouth. Ralph

Lane was appointed governor* and among the others who accompanied the expedition were Thomas Hariot, the mathematician, and With, the painter. Proceeding by way of the West Indies, the mainland of Florida was reached on June 20, and six days later, after narrowly escaping shipwreck at Cape Fear, the ships anchored at Wococon.

The soldierly qualities of Ralph Lane were little fitted to a colonization scheme. Though he was a gallant officer and was subsequently knighted for his valor by the queen, he did not possess the qualities necessary in a pioneer colonist. He was impulsive, quick to take offense and hasty in resolve, which often led him into perilous paths. His dealings with the Indians soon caused him and the other colonists great trouble and laid the foundation for a long series of wars with the Indians. However, the Indians were first offended by Grenville himself. Accompanied by Manteo, a party of the colonists had gone ashore taking with them a large portion of their goods. One of the Indians attempted to steal a silver

* There seems to be some doubt as to the positions occupied by Grenville and Lane. Lane is generally referred to as "deputy" to Grenville. Some say that Grenville was simply the commander of the expedition but Doyle (p. 78) says that he was to establish the colony and leave Lane in charge upon returning. Lane himself states that he occupied the "second place" under Grenville. See also Hakluyt, vol. iii., p. 323; Lane's letter in *Archæologia Americana*, vol. iv., p. 27; Strachey, *History of Travayle into Virginia* (Hakluyt Soc.), p. 144.

* Hakluyt, vol. iii., p. 301.

cup, but upon being apprehended, promised to return it. The promised restoration was delayed, and in retaliation the men under Grenville "burnt and spoiled their corn and towne, all the people being fled." This act of hasty revenge was undoubtedly the first which tended to arouse uneasy and suspicious thoughts in the Indians as to the intentions of the white man.*

During his short stay in the colony, Grenville collected a cargo of pearls and skins, and then having seen that the colonists were fairly well situated, he returned to England, on the way capturing a richly laden Spanish ship, "boarding her with a boat made with boards of chests, which fell asunder and sank at the ship's side, as soon as ever he and his men were out of it." Upon his return to Plymouth with his prize, he was given a warm reception.

After Grenville had sailed, Lane decided to undertake the exploration of the surrounding territory, and in 1586 ascended the Roanoke in search of a place at which he had been informed he might secure pearls and a great quantity of mineral treasures. This adventure, however, resulted in disaster to Lane and his party. The current was so rapid that the boats made little progress; provisions became scarce and the banks were so barren as to furnish little shelter, and furthermore, the Indians began

to form secret combinations against them, not only to hinder their progress but also to get rid of them entirely, if possible. However, Lane's companions agreed that they would not abandon the enterprise while even a half pint of corn remained to each man, and furthermore they decided that if matters came to such a pass that it was necessary to live upon flesh they would kill their "two mastives, upon the pottage of which, with sassafras leaves—if the worst fell out—they would make shift to live two dayes." Their worst fears were realized, for they were suddenly attacked by the Indians. Their "dogg's porridge that they had bespoken for themselves" was entirely consumed, and having found upon their return to the river's mouth that they could not cross the sound because of a storm "on Easter Eve, which was fasted very truly," they were now reduced to the sassafras without the animal seasoning, "the like whereof," observes Lane, "was never before used for a meate as I thinke." Famished and dispirited, the party arrived at Roanoke the next morning.*

Immediately upon his arrival, Thomas Hariot bent all his efforts to obtain a correct knowledge of the country, the people, their productions, customs, government, etc., and being a most acute observer, his

* See Bancroft, vol. 1., p. 72.

* Stith, *History of Virginia*, gives an excellent account of Lane's journeys.

efforts were rewarded with a vast amount of knowledge concerning these things. In his intercourse with the savages he also endeavored to Christianize them. To use his own language,

"Most things they saw with us, as mathematicall instruments, sea-compasses, the vertue of the loadstone, perspective glasses, burning glasses, clocks to goe of themselves, bookes, writing, guns, and such like, so far exceeded their capacities, that they thought they were rather the workes of gods than men, or at least the gods had taught us how to make them, which loved us so much better than them; and caused many of them to give credit to what we spake concerning our God. In all places where I came, I did my best to make His immortall glory knowne; and I told them, although the Bible I shewed them contained all, yet of itselfe, it was not of any such vertue as I thought they did conceive. Notwithstanding, many would be glad to touch it, to kisse and embrace it, to hold it to their breasts and heads and stroke all their body over with it."*

But Hariot was almost alone among the colonists in matters of piety and prudence, as the majority of them were concerned primarily with the means of gaining wealth. Failing in this and imputing to the Indians a desire to hide their treasures, the colonists in their vexation began to deal very harshly with the natives, who, in retaliation, began to devise means for ridding the country of the new settlers. They first began by an attempt to starve out the English, refusing to give them corn and other supplies and even going so far as to stop planting the fields so that

the English could not seize the crops. In his anger at the success of the Indians in withholding supplies, Lane sought an interview with the most powerful of the chiefs and after they had come together treacherously murdered all within his reach.*

All the provisions which the colonists had brought with them from England had now been consumed, and as the fields had not been planted, they were reduced to very great straits. But fortunately, as they were about to embark for home, Sir Francis Drake appeared on the scene with his fleet, being on his way home from an expedition against the Spaniards in the West Indies. The wants of the settlers were fully supplied by Drake, who even gave Lane a bark of 70 tons with suitable boats, and did everything in his power to continue the colony on a prosperous career. The vessel which Drake left, however, was shortly after destroyed by a sudden storm, and Lane and his companions, being now thoroughly discontented and despondent, begged Drake to take them home with him. Drake complied with their wishes, and on June 18, 1586, the settlement at Roanoke was abandoned.†

* Doyle, *English Colonies in America*, vol. i., pp. 65-67.

† Hawks, *History of North Carolina* (1857); Hale (ed.), *Archæologia Americana*, vol. iv. (1860); J. A. Froude, *English Seamen in the Sixteenth Century*, pp. 146-147; Payne, *Voyages of the Elizabethan Seamen*, 1st series, p. 269 et seq.; Hume, *History of England*, vol. iv., pp. 210-211; M. A. Thomson, *Life and Times of Sir Walter Raleigh*, pp. 32-33, 50-55; Southey,

* Hakluyt, vol. iii., p. 324. See also Bancroft, vol. i., p. 72 et seq.

The abandonment of the colony was not only too precipitate, but also unfortunate, for hardly had the colonists departed when a ship laden with stores sent out by Raleigh arrived at Roanoke. Finding the settlement abandoned, however, the ship returned home. Sir Richard Greenville also appeared within less than two weeks with three ships well furnished which had been sent in search of the colonists. Not being able to locate the colonists, Greenville thereupon set 50 men on the island of Roanoke with two years' provisions to establish a new settlement and then returned home.*

While thus far the "Paradise of the World" had been little less than an expense and disappointment, Raleigh was not of that character which yields to the first setback. Hariot's descriptions of the country and its productions, climate, soil, etc., made it comparatively easy to organize a new band of colonists for a settlement in America, and in 1587 Raleigh determined that an enduring state should be founded. He therefore organized a number of emigrants with their wives and families, for the purpose of establishing homes in the New World. John White was appointed to the governorship of the new colony to be

founded; municipal regulations were formulated for the conduct of civil affairs, and a charter was granted to thirty-two persons, of whom nineteen were merchants of London, who financed the expedition, and the other thirteen were to come personally. The company was styled "The Governor and Assistants of the City of Raleigh in Virginia."† Accordingly, the expedition embarked from Portsmouth on April 26 and nearly three months later, on July 22, anchored off the coast of Virginia. Immediately after their arrival they made a thorough search for the men who had been left a year before at Roanoke, but the search was unsuccessful as the Indians had undoubtedly wreaked their vengeance upon them. The former habitation of the colonists was a scene of desolation and ruin.†

Chesapeake Bay had been designated under Raleigh's instructions as the site for the new settlement, but dissensions shortly arising among the colonists White was prevented from proceeding any further, and consequently the foundations of the proposed city were laid on the island of Roanoke. While Manteo with his kindred bade the English welcome, the largest portion of the Indian population were decidedly hostile. Deeming it impossible to make much progress under such circumstances, a majority of the colonists petitioned

Chronological History of the West Indies, vol. i., pp. 203-208; Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 32-33; Osgood, *American Colonies*, vol. i., pp. 17-20.

* Bancroft, Fiske and Doyle say fifteen; but Smith, and others, fifty. The latter seems the more probable number.

† Thomas Nelson Page, *The Old Dominion: Her Making and Her Manners*, p. 53 (1908).

† Bancroft, vol. i., p. 75.

White to return to England and secure for the colony abundant supplies and reinforcements. He therefore decided to go, and leaving his family and the colony which at that time numbered 89 men, 17 women and 11 children, White on August 27 embarked for his native land. On August 18, only a few days before White sailed, Mrs. Eleanor Dare, the daughter of the governor, gave birth to a daughter who was the first child born of English parentage on the soil of the United States. She was named Virginia Dare.*

When White arrived in England he found the country in a tumult because of the threatened invasion of Philip of Spain and his Invincible Armada. The Armada proved not to be so formidable as was expected, and after a severe battle in which the Spanish were worsted the Armada was scattered by a hurricane and many of the vessels lost. Of the 131 vessels which started 72 were lost and of the 30,000 mariners and sailors more than 20,000 perished.† While the greater part of Raleigh's time was taken up by his duties connected with repulsing the Armada, he did not entirely lose sight of his colony. Even amidst his engrossing cares at home he managed in April,

1588, to fit out two vessels with supplies, but instead of following their instructions the ship's company became imbued with piratical notions, and rather than follow a straight course to Virginia they went out of their way to engage in privateering. But like many who diverge from the path of duty, they were so worsted in an engagement that they were compelled to return to port, and thus the colony in Virginia was virtually abandoned.* This delay was fatal to the colony, for as Raleigh was nearly bankrupt by the outlays to which he had been subjected, he was unable to do anything further at this time and it was not until 1590 that White was able to return to Virginia in search of the family and the colony that he had left. Upon his return he found Roanoke little better than a desert, and the only trace of the colony remaining was the word "Croatan," on the bark of a tree. It has been thought that the ill-fated colonists took refuge with Manteo and his people, but nothing has ever been brought to light to prove what was their fate.†

In his efforts at colonization Raleigh had now expended nearly £40,000 — a sum equal to \$1,000,000 of our present day money — and he

* *Ibid.*, pp. 76-77.

† See J. A. Froude, *English Seamen in the Sixteenth Century*, pp. 176-206; Corbett, *Drake and the Tudor Navy*; Froude, *The Spanish Story of the Armada*; Hume, *History of England*, vol. iv., pp. 259-264.

* Stith, *History of Virginia*, p. 25; Page, *The Old Dominion*, p. 25.

† Page, *The Old Dominion*, p. 70 et seq.; Strachey, *Travayle into Virginia Britannia*, in *Publications of the Hakluyt Society*, p. 26; Bancroft, vol. i., p. 77.

was unwilling to plunge himself further in debt. In March, 1589, therefore, he assigned his proprietary rights in the territory of the colony to Richard Hakluyt, John White, Sir Thomas Smith and several other London merchants, and thenceforth devoted his time to other schemes, among which was that for penetrating into the heart of Guiana, by which he hoped to repair his shattered fortunes.* Raleigh's successors, the London Company, did not succeed in their attempts to induce colonists to go to Virginia, and being unable to effect any settlement in the New World, simply confined their efforts to carrying on a small and not very profitable trade by the aid of a few vessels. In 1603, therefore, more than one hundred years after Cabot had discovered the continent and twenty years after Raleigh had sent out his first colony, not a single Englishman remained in the New World. In 1602 Raleigh sent out a vessel under Samuel Marc† in an attempt to locate some of the colonists, but this,

like White's attempt, was made in vain.

In 1602, the last year of Elizabeth's reign, an expedition was organized by Bartholomew Gosnold, who had obtained the financial backing of Wriothesley, third Earl of Southampton, and Lord Cobham. Setting out in a small vessel and taking a more direct course to Virginia than that usually followed—by way of the Canaries and the West Indies—he reached the coast of Massachusetts in less than seven weeks, first touching land near Nahant. He did not disembark here, however, but sailed further to the South in search of a better harbor, and in the course of time came to the promontory which has since been called Cape Cod—the first place touched in New England by the English.* Gosnold sailed around Cape Cod, passed Nantucket, and then entered Buzzard's Bay which was called Gosnold's Hope. It was then determined to settle on the westernmost of the islands in the bay which was named Elizabeth in honor of the queen. On a rocky islet in the centre of a small lake of fresh water, a store house and a fort were built. Although they were delighted with the scenery of the country, the abundance of wild grapes and strawberries, and the luxuriant vegetation of the early summer, they considered it most advisable, because of their few numbers, the lack of provisions

* See *Lives of Raleigh* by Thomas Birch (1751), Cayley (1805), Edward Edwards (1868), Frederick A. Ober (1909), William Oldys (1736), J. A. St. John (1868), William Stebbing (1891). See also M. A. S. Hume, *Sir Walter Raleigh: the British Dominion of the West* (1897); Morris, *Discoverers and Explorers of America*, pp. 166–175. For the discovery of Guiana see Payne, *Voyages of the Elizabethan Seamen*, 2d series, pp. 169–272. See also Southey's *West Indies*, vol. i., p. 218 *et seq.*; Hume's *History of England*, vol. iv., pp. 448–452; Thomson's *Raleigh*, pp. 213–235.

† Purchas, *His Pilgrimes*, vol. iv., p. 1653.

* Bancroft, vol. i., p. 80.

and the fact that they were surrounded by Indians, to return to England. In addition, dissensions had sprung up among the company and as they had no desire to suffer the fate of the Virginia settlers, they embarked again for England where they arrived in less than four months from the time of their departure. In England they spread the most favorable reports of the new territory which they had discovered and also described the route by which they had gone, which was shorter by one-third than any previously traveled.*

When James I. ascended the throne of England in 1603, a treaty of peace was concluded between his government and that of Spain. This considerably advanced the cause of colonization in the New World, for with these two powerful nations friendly there was less liability of colonizing expeditions coming to grief through the attacks of hostile soldiers connected with these expeditions. The reports given out by Gosnold and his companions deeply interested the English merchants, and it was not found difficult to induce them to embark their money in an enterprise from which they expected to reap large returns. In addition, the projects started by the stories of Gosnold

were aided by the judicious counsel and encouragement of Richard Hakluyt, who had been the counsellor of many of the English expeditions of discovery previously sent out.* The merchants of Bristol were persuaded by Hakluyt to equip and dispatch two vessels under the command of Martin Pring to explore and examine the territory claimed to have been discovered by Gosnold and also to verify the truth of his statements. Pring returned with ample confirmation of Gosnold's veracity.† In 1605 Lord Arundle equipped and sent out a similar expedition under the command of Captain George Weymouth, and upon his return Weymouth not only verified the statements of Gosnold and Pring, but also reported so many particulars in favor of the country that all doubts were removed.‡ Weymouth took home five kidnapped Indians "with all their bows and arrows" and ten beautiful birch bark canoes, which accident, Sir Ferdinando Gorges says, "hath been the means of putting life into all our plantations."

A number of wealthy and powerful merchants then formed an association to attempt a settlement, and peti-

* Morris, *Discoverers and Explorers of America*, pp. 176-177; Doyle, *English Colonies in America*, vol. i., pp. 105-106; Smith, *Thirteen Colonies*, vol. i., pp. 51-52; *Relation of Captain Gosnold's Voyage* (1602); Brereton, *Discovery of the North Part of Virginia by Gosnold, 1602*, in *Massachusetts Historical Collections*, vol. xxviii.

* For Hakluyt's great services see Fiske, *Old Virginia and Her Neighbours*, vol. i., p. 42 et seq.

† *Pring's Voyage for the Discovery of the North Part of Virginia* (1603); Bancroft, vol. i., pp. 80-81.

‡ Bancroft, vol. i., pp. 81-82; Morris, *Discoverers and Explorers of America*, pp. 177-180; Doyle, *English Colonies in America*, vol. i., pp. 106-108; Rosier, *Voyage of Weymouth, 1605*, in *Massachusetts Historical Collections*, vol. xxviii.

tioned the king for the sanction of his authority to carry their project into effect. James considered their application favorably, but thought that the territory when it became better known might prove to be of such vast extent that it would be impolitic at the present time to grant it to one body of men, no matter how reputable, and in 1606 he divided that portion of North America lying between the thirty-fourth and forty-fifth degrees of latitude into two districts nearly equal in extent, the first of which was called the First or South Colony of Virginia and the other the Second or North Colony.* The London Company, consisting of Sir Thomas Gates, Richard Hakluyt, Sir George Somers, and others who resided chiefly in London, was authorized to plant a colony anywhere between the thirty-fourth and forty-first degrees of north latitude, or between Cape Fear and the east end of Long Island. To the Plymouth Company, which was composed of residents in the west of England, was granted the right to colonize anywhere between the thirty-eighth and forty-fifth degrees of north latitude, or between Delaware Bay and Halifax. The provision was made, how-

* The patent was dated April 10, 1606. This together with the names of the council and the orders are given in Stith, *History of Virginia*, App. 1, and p. 36. The text of the charter is also given in Thorpe, *Federal and State Constitutions*, vol. vii., pp. 3783-3789; Hening, *Statutes of Virginia*, vol. i., pp. 57-66. See also Appendix at the end of the present chapter.

ever, that neither Company should begin its settlement within 100 miles of any spot which had previously been occupied by the colonists of the other. Each colony was to extend along the coast 50 miles either way from the point first occupied and from the same point inland 100 miles, so that each colony would embrace 10,000 square miles of continental territory.

According to the charter granted by the king, the supreme government was vested in a council, resident in England and named by the king, with ordinances and laws given under his signed manual; while the subordinate jurisdiction for the conduct of affairs in the colonies was committed to a council, resident in America and nominated by the king, which was to act in conformity to his instructions. Immigrants, while restricted in the important article of internal regulations, were given all the rights of native born Englishmen and they were also given the privilege of holding their lands in America by the freest and least burdensome tenure. For the first seven years after the colony was planted, whatever was necessary to sustain the new settlement could be exported from England free of duty, and in order to establish and foster the industries of the colonies and to create a foreign commerce with them, he granted them liberty and trade with other nations, appropriating the duties to be levied on foreign commodities as a fund which

should be used for the sole benefit of the colonies, for a period of twenty-one years. Furthermore, they were given the right to coin money, repel enemies and to detain ships trading there without their leave. "In this singular charter," says Dr. Robertson, "the contents of which have been little attended to by the historians of America, some articles are as unfavorable to the rights of the colonists as others are to the interest of the parent state. By placing the legislative and executive powers in a council nominated by the crown, and guided by its instructions, every person settling in America seems to be bereaved of the noblest privilege of a free man; by the unlimited permission of trade with foreigners, the parent state is deprived of that exclusive commerce which has been deemed the chief advantage resulting from the establishment of colonies. But in the infancy of colonization, and without the guidance of observation or experience, the ideas of men, with respect to the mode of forming new settlements, were not fully unfolded or properly arranged. At a period when they could not foresee the future grandeur and importance of the communities which they were about to call into existence, they were ill qualified to concert the best plan for governing them. Besides, the English of that age, accustomed to the high prerogative and arbitrary rule of their monarchs, were not animated with such liberal sentiments, either

concerning their own personal or political rights, as have become familiar in the more mature and improved state of their constitution." *

In the same year, shortly after he had granted the charter to the London Company, James issued the famous "Instructions for the Government of Virginia," in which he appointed a council, as the charter provided, to be increased or altered at the king's pleasure. This council was authorized to nominate and superintend the local councils, which were reduced by these instructions to seven members. From their own number these seven members were to

* Robertson, *History of America*, book ix., p. 212. See also Doyle, *English Colonies*, vol. i., pp. 109-113; Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 60-65; John Esten Cooke, *Virginia: a History of the People*, p. 15 *et seq.* There seems to be some difference of opinion in the statements regarding this grant. Fiske says: "The colonization of the North American coast had now become part of the avowed policy of the British government. In 1606 a great joint stock company was formed for the establishment of two colonies in America. The branch which was to take charge of the proposed southern colony had its headquarters in London; the management of the northern branch was at Plymouth in Devonshire. Hence the two branches were commonly spoken of as the London and Plymouth Companies." *Beginnings of New England*, p. 75 (copyright by Houghton, Mifflin & Co.) Bancroft says: "For the purpose of colonization he [James I.] divided the almost limitless region equally between the two rival companies of London and of the West. * * * The conditions of tenure were homage and rent; the rent was no other than one-fifth of the net produce of gold and silver and one-fifteenth of copper."—*History of the United States*, pp. 85-86 (copyright by D. Appleton & Co.). See also J. B. Hurlburt, *Britain and Her Colonies*, pp. 1-2; John G. PalFREY, *History of New England*, vol. i., pp. 6-7.

choose a president, retaining, however, the power to suspend him or any counsellor for a just cause, and also the power to fill vacancies until new appointments should come from England; the president was to have a double vote. It was made the especial duty of these councils to provide that the "true Word and service of God, according to the rites and service of the Church of England, be preached, planted, and used in the colonies and among the neighboring savages." Upon trial by jury capital punishment was to be visited upon those who engaged in tumults, rebellion, conspiracy, mutiny and sedition, together with seven other offences, while the local councils were allowed to use their discretion in punishing lesser offences which could be tried

summarily; such laws not concerned with life or limb as might be enacted by these councils were to remain in force until set aside by the king or the council for Virginia in England. The trade and industry of the colonists were to remain a common stock, or "two or three stocks at the most," for a period of five years after the colony was planted. This common stock was to be managed in each colony by a factor who should be selected annually by the local council and in England by committees appointed for that purpose.* Such therefore were the conditions under which the first permanent settlement was made by the English in America.

* Osgood, *American Colonies*, vol. i., pp. 25-32. gives an excellent resumé of the powers granted under the charter and the "Instructions." See also Bancroft, vol. i., p. 86 *et seq.*

APPENDIX TO CHAPTER II.

THE FIRST CHARTER OF VIRGINIA—1606.

JAMES, by the Grace of God, King of *England, Scotland, France and Ireland*, Defender of the Faith &c. WHEREAS our loving and well-disposed Subjects, Sir *Thomas Gates*, and Sir *George Somers*, Knights, *Richard Hackluit*, Clerk, Prebendary of *Westminster*, and *Edward-Maria Wingfield*, *Thomas Hanham*, and *Raleigh Gilbert*, Esqrs. *William Parker*, and *George Popham*, Gentlemen, and divers others of our loving Subjects, have been humble Suitors unto us, that We would vouchsafe unto them our License, to make Habitation, Plantation, and to deduce a colony of sundry of our People into that part of *America* commonly called *VIRGINIA*, and other parts and Territories in *America*, either appertaining unto us, or which are not now actually possessed by any *Christian* Prince or People, situate, lying, and being all along the Sea

Coasts, between four and thirty Degrees of *Northerly* Latitude from the Equinoctial Line, and five and forty Degrees of the same Latitude, and in the main Land between the same four and thirty and five and forty Degrees, and the Islands thereunto adjacent, or within one hundred Miles of the Coast thereof;

And to that End, and for the more speedy Accomplishment of their said intended Plantation and Habitation there, are desirous to divide themselves into two several Colonies and Companies; the one consisting of certain Knights, Gentlemen, Merchants, and other Adventurers, of our City of *London* and elsewhere, which are, and from time to time shall be, joined unto them, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between four and thirty and one and forty De-

grees of the said Latitude, amongst the Coasts of *Virginia*, and the Coasts of *America* aforesaid: And the other consisting of sundry Knights, Gentlemen, Merchants, and other Adventurers, of our Cities of *Bristol* and *Exeter*, and of our Town of *Plimouth*, and of other Places, which do join themselves unto that Colony, which do desire to begin their Plantation and Habitation in some fit and convenient Place, between eight and thirty Degrees and five and forty Degrees of the said Latitude, all amongst the said Coasts of *Virginia* and *America*, as that Coast lyeth:

We, greatly commending, and graciously accepting of, their Desires for the Furtherance of so noble a Work, which may, by the Providence of Almighty God, hereafter tend to the Glory of his Divine Majesty, in propagating of *Christian* Religion to such People, as yet live in Darkness and miserable Ignorance of the true Knowledge and Worship of God, and may in time bring the Infidels and Savages, living in those parts, to human Civility, and to a settled and quiet Government: DO, by these our Letters Patents, graciously accept of, and agree to, their humble and well-intended Desires;

And do therefore, for Us, our Heirs, and Successors, GRANT and agree, that the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, Adventurers of and for our City of *London*, and all such others, as are, or shall be, joined unto them of that Colony, shall be called the *first Colony*; And they shall and may begin their said first Plantation and Habitation, at any Place upon the said Coast of *Virginia* or *America*, where they shall think fit and convenient, between the said four and thirty and one and forty Degrees of the said Latitude; And that they shall have all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said first Seat of their Plantation and Habitation by the Space of fifty Miles of *English* Statute Measure, all along the said Coast of *Virginia* and *America*, towards the *West* and *South-west*, as the Coast lyeth, with all the Islands within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Waters, Marshes, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the space of fifty like *English* Miles, all amongst the said Coasts of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the

North, as the Coast lyeth, together with all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Woods, Soil, Grounds, Havens, Ports, Rivers, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land by the Space of one hundred like *English* Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same, for their better Safeguard and Defence, according to their best Discretion, and the Discretion of the Council of that Colony; And that no other of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the Backside of them, towards the main Land, without the Express License or Consent of the Council of that Colony, thereunto in Writing first had and obtained.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, GRANT and agree, that the said *Thomas Hanham*, and *Raleigh Gilbert*, *William Parker*, and *George Popham*, and all others of the Town of *Plimouth* in the County of *Devon*, or elsewhere, which are, or shall be, joined unto them of that Colony, shall be called the *second Colony*; And that they shall and may begin their said Plantation and Seat of their first Abode and Habitation, at any Place upon the said Coast of *Virginia* and *America*, where they shall think fit and convenient, between eight and thirty Degrees of the said Latitude, and five and forty Degrees of the same Latitude; And that they shall have all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the first Seat of their Plantation and Habitation by the Space of fifty like *English* Miles, as is aforesaid, all amongst the said Coasts of *Virginia* and *America*, towards the *West* and *Southwest*, or towards the *South*, as the Coast lyeth, and all the Islands within one hundred Miles, directly over against the said Sea Coast; And also all the Lands, Soils, Grounds, Havens, Ports, Rivers, Mines, Minerals, Woods, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the said Place of their first Plantation and Habitation for the Space of fifty like Miles, all amongst the said Coast of *Virginia* and *America*, towards the *East* and *Northeast*, or towards the *North*, as the Coast lyeth, and all the Islands also within one hundred Miles directly over against the same Sea Coast; And also all the Lands, Soils, Grounds,

Havens, Ports, Rivers, Woods, Mines, Minerals, Marshes, Waters, Fishings, Commodities, and Hereditaments, whatsoever, from the same fifty Miles every way on the Sea Coast, directly into the main Land, by the Space of one hundred like *English* Miles; And shall and may inhabit and remain there; and shall and may also build and fortify within any the same for their better Safeguard, according to their best Discretion, and the Discretion of the Council of that Colony; And that none of our Subjects shall be permitted, or suffered, to plant or inhabit behind, or on the back of them, towards the main Land, without express License of the Council of that Colony, in Writing thereunto first had and obtained.

Provided always, and our Will and Pleasure herein is, that the Plantation and Habitation of such of the said Colonies, as shall last plant themselves, as aforesaid, shall not be made within one hundred like *English* Miles of the other of them, that first began to make their Plantation, as aforesaid.

And we do also ordain, establish, and agree, for Us, our Heirs, and Successors, that each of the said Colonies shall have a Council, which shall govern and order all Matters and Causes, which shall arise, grow, or happen, to or within the same several Colonies, according to such Laws, Ordinances, and Instructions, as shall be, in that behalf, given and signed with Our Hand or Sign Manual, and pass under the Privy Seal of our Realm of *England*; Each of which Councils shall consist of thirteen Persons, to be ordained, made, and removed, from time to time, according as shall be directed and comprised in the same instructions; And shall have a several Seal, for all Matters that shall pass or concern the same several Councils; Each of which Seals, shall have the King's Arms engraven on the one Side thereof, and his Portraiture on the other; And that the Seal for the Council of the said first Colony shall have engraven round about, on the one Side, these Words; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; on the other Side this Inscription round about; *Pro Concilio primæ Colonie Virginie*. And the Seal for the Council of the said second Colony shall also have engraven, round about the one Side thereof, the aforesaid Words; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; and on the other Side; *Pro Concilio secundæ Colonie Virginie*:

And that also there shall be a Council, established here in *England*, which shall, in like manner, consists of thirteen Persons, to be, for that Purpose, appointed by Us, our Heirs and Suc-

cessors, which shall be called our *Council of Virginia*; And shall, from time to time, have the superior Managing and Direction, only of and for all Matters that shall or may concern the Government, as well of the said several Colonies, as of and for any other Part or Place, within the aforesaid Precinct of four and thirty and five and forty Degrees abovementioned; Which Council shall, in like manner, have a Seal, for Matters concerning the Council or Colonies, with the like Arms and Portraiture, as aforesaid, with this inscription, engraven round about on the one Side; *Sigillum Regis Magnæ Britanniae, Franciae, & Hiberniae*; and round about on the other Side, *Pro Concilio suo Virginie*.

And moreover, we do GRANT and agree, for Us, our Heirs, Successors; that that the said several Councils of and for the said several Colonies, shall and lawfully may, by Virtue hereof, from time to time, without any Interruption of Us, our Heirs or Successors, give and take Order, to dig, mine, and search for all Manner of Mines of Gold, Silver, and Copper, as well within any Part of their said several Colonies, as of the said Main Lands on the Backside of the same Colonies; And to HAVE and enjoy the Gold, Silver, and Copper, to be gotten thereof, to the Use and Benefit of the same Colonies, and the Plantations thereof; YIELDING therefore to Us, our Heirs and Successors, the fifth Part only of all the same Gold and Silver, and the fifteenth Part of all the same Copper, so to be gotten or had, as is aforesaid, without any other Manner of Profit or Account, to be given or yielded to Us, our Heirs, or Successors, for or in Respect of the same:

And that they shall, or lawfully may, establish and cause to be made a Coin, to pass current there between the people of those several Colonies, for the more Ease of Traffick and Bargaining between and amongst them and the Natives there, of such Metal, and in such Manner and Form, as the said several Councils there shall limit and appoint.

And we do likewise, for Us, our Heirs, and Successors, by these Presents, give full Power and Authority to the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Raleigh Gilbert*, *William Parker*, and *George Popham*, and to every of them, and to the said several Companies, Plantations, and Colonies, that they, and every of them, shall and may, at all and every time and times hereafter, have, take, and lead in the said Voyage, and for and towards the said several Plantations, and Colonies, and to travel

thitherward, and to abide and inhabit there, in every the said Colonies and Plantations, such and so many of our Subjects, as shall willingly accompany them or any of them, in the said Voyages and Plantations; With sufficient Shipping, and Furniture of Armour, Weapons, Ordnance, Powder, Victual, and all other things, necessary for the said Plantations, and for their Use and Defense there: PROVIDED always, that none of the said Persons be such, as shall hereafter be specially restrained by Us, our Heirs, or Successors.

Moreover, we do, by these Presents, for Us, our Heirs, and Successors, GIVE AND GRANT License unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Raleigh Gilbert*, *William Parker*, and *George Popham*, and to every of the said Colonies, that they, and every of them, shall and may, from time to time, and at all times forever hereafter, for their several Defences, encounter, expulse, repel, and resist, as well by Sea as by Land, by all Ways and Means whatsoever, all and every such Person or Persons, as without the especial License of the said several Colonies and Plantations, shall attempt to inhabit within the said several Precincts and Limits of the said several Colonies and Plantations, or any of them, or that shall enterprise or attempt, at any time hereafter, the Hurt, Detriment, or Annoyance, of the said several Colonies or Plantations:

Giving and granting, by these Presents, unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Raleigh Gilbert*; *William Parker*, and *George Thomas Haham*, *Raleigh Gilbert*, *William Parker*, and *George Popham*, and their Associates of the said second Colony, and to every of them, from time to time, and at all times for ever hereafter, Power and Authority to take and surprise, by all Ways and Means whatsoever, all and every Person and Persons, with their Ships, Vessels, Goods, and other Furniture, which shall be found trafficking, into any Harbour or Harbours, Creek or Creeks, or Place, within the Limits or Precincts of the said several Colonies and Plantations, not being of the same Colony, until such time, as they, being of any Realms, or Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer of that Colony, within whose Limits and Precincts they shall so traffick, two and a half upon every Hundred, of any thing so by them trafficked, bought, or sold; And being Strangers, and not Subjects under our Obedysance, until they shall pay five upon every Hundred, of

such Wares and Merchandises, as they shall traffick, buy, or sell, within the Precincts of the said several Colonies, wherein they shall so traffick, buy, or sell, as aforesaid; WHICH Sums of Money, or Benefit, as aforesaid, for and during the Space of one and twenty Years, next ensuing the Date hereof, shall be wholly employed to the Use, Benefit, and Behoof of the said several Plantations, where such Traffick shall be made; And after the said one and twenty Years ended, the same shall be taken to the Use of Us, our Heirs, and Successors, by such Officers and Ministers as by Us, our Heirs, and Successors, shall be thereunto assigned or appointed.

And we do further, by these Presents, for Us, our Heirs and Successors, GIVE AND GRANT unto the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, and *Edward-Maria Wingfield*, and to their associates of the said first Colony and Plantation, and to the said *Thomas Hanham*, *Raleigh Gilbert*, *William Parker*, and *George Popham*, and their associates of the said second Colony and Plantation, that they, and every of them, by their Deputies, Ministers, and Factors, may transport the Goods, Chattels, Armour, Munition, and Furniture, needful to be used by them, for their said Apparel, Food, Defence, or otherwise in Respect of the said Plantations, out of our Realms of *England* and *Ireland*, and all other our Dominions, from time to time, for and during the Time of seven Years, next ensuing the Date hereof, for the better Relief of the said several Colonies and Plantations, without any Customs, Subsidy, or other Duty, unto Us, our Heirs, or Successors, to be yielded or payed for the same.

Also we do, for Us, our Heirs, and Successors, DECLARE, by these Presents, that all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies and Plantations, and every of their children, which shall happen to be born within any of the Limits and Precincts of the said several Colonies and Plantations, shall HAVE and enjoy all Liberties, Franchises, and Immunities, within any of our other Dominions, to all Intents and Purposes, as if they had been abiding and born, within this our Realm of *England*, or any other of our said Dominions.

Moreover, our gracious Will and Pleasure is, and we do, by these Presents, for Us, our Heirs, and Successors, declare and set forth, that if any Person or Persons, which shall be of any of the said Colonies and Plantations, or any other, which shall traffick to the said Colonies and Planta-

tions, or any of them, shall, at any time or times hereafter, transport any Wares, Merchandises, or Commodities, out of any of our Dominions, with a Pretence to land, sell, or otherwise dispose of the same, within any the Limits and Precincts of any of the said Colonies and Plantations, and yet nevertheless, being at Sea, or after he hath landed the same within any of the said Colonies and Plantations, shall carry the same into any other Foreign Country, with a Purpose there to sell or dispose of the same, without the Licence of Us, our Heirs, and Successors, in that Behalf first had and obtained; That then, all the Goods and Chattels of such Person or Persons, so offending and transporting, together with the said Ship or Vessel, wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

Provided always, and our Will and Pleasure is, and we do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of any of the said several Colonies and Plantations, or any other, by his, their, or any of their Licence and Appointment, shall, at any Time or Times hereafter, rob or spoil, by Sea or Land, or do any Act of unjust and unlawful Hostility to any the Subjects of Us, our Heirs, or Successors, or any the Subjects of any King, Prince, Ruler, Governor, or State, being then in League or Amitie with Us, our Heirs, or Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governor, or State, of their Subjects, We, our Heirs, or Successors, shall make open Proclamation, within any of the Ports of our Realm of *England*, commodious for that purpose, That the said Person or Persons, having committed any such robbery, or Spoil, shall, within the term to be limited by such Proclamations, make full Restitution or Satisfaction of all such Injuries done, so as the said Princes, or others so complaining, may hold themselves fully satisfied and contented; And, that if the said Person or Persons, having committed such Robbery or Spoil, shall not make, or cause to be made Satisfaction accordingly, within such Time so to be limited, That then it shall be lawful to Us, our Heirs, and Successors, to put the said Person or Persons, having committed such Robbery or Spoil, and their Procurers, Abettors, and Comforters, out of our Allegiance and Protection; And that it shall be lawful and free, for all Princes, and others to pursue with hostility the said offenders, and every of them, and their and every of their Procurers, Aiders, abettors, and comforters, in that behalf.

And finally, we do for Us, our Heirs, and Successors, GRANT and agree, to and with the said Sir *Thomas Gates*, Sir *George Somers*, *Richard Hackluit*, *Edward-Maria Wingfield*, and all others of the said first colony, that We, our Heirs and Successors, upon Petition in that Behalf to be made, shall, by Letters Patent under the Great Seal of *England*, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most part of them, shall, for that Purpose, nominate and assign all the lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, To BE HOLDEN of Us, our heirs and Successors, as of our Manor at *East-Greenwich*, in the County of *Kent*, in free and common Socage only, and not in Capite:

And do in like Manner, Grant and Agree, for Us, our Heirs and Successors, to and with the said *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, and all others of the said second Colony, That We, our Heirs, and Successors, upon Petition in that Behalf to be made, shall, by Letters-Patent, under the Great Seal of *England*, GIVE and GRANT, unto such Persons, their Heirs and Assigns, as the Council of that Colony, or the most Part of them, shall for that Purpose nominate and assign, all the Lands, Tenements, and Hereditaments, which shall be within the Precincts limited for that Colony, as is aforesaid, To BE HOLDEN of Us, our Heires, and Successors, as of our Manor of *East-Greenwich*, in the County of *Kent*, in free and common Socage only, and not in Capite.

All which Lands, Tenements, and Hereditaments, so to be passed by the said several Letters-Patent, shall be sufficient Assurance from the said Patentees, so disturbed and divided amongst the Undertakers for the Plantation of the said several Colonies, and such as shall make their Plantations in either of the said several Colonies, in such Manner and Form, and for such Estates, as shall be ordered and set down by the Council of the said Colony, or the most part of them, respectively, within which the same Lands, Tenements, and Hereditaments shall lye or be; Although express Mention of the true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants, by Us or any of our Progenitors or Predecessors, to the aforesaid Sir *Thomas Gates*, Knt. Sir *George Somers*, Knt. *Richard Hackluit*, *Edward-Maria Wingfield*, *Thomas Hanham*, *Ralegh Gilbert*, *William Parker*, and *George Popham*, or any of them, heretofore made, in these Presents, is not made; Or any Statute, Act, Ordinance, or Provision, Proc-

lamation, or Restraint, to the contrary hereof had, made, ordained, or any other Thing, Cause, or Matter whatsoever, in any wise notwithstanding. In WITNESS whereof, we have caused these our Letters to be made Patent; Witness Ourself at Westminster, the tenth Day of April, in the

fourth Year of our Reign of *England, France, and Ireland*, and of *Scotland* the nine and thirtieth.

LUKIN

Per breve de privato Sigillo.

CHAPTER III.

1606-1625.

THE SETTLEMENT OF VIRGINIA.

The London Company despatches a colonizing expedition to Virginia — Jamestown founded — Jealousy of Smith — Houses and other buildings erected — Smith explores the James River — Sufferings among the colonists — Planting begun — Wingfield's cowardice — Ratcliffe chosen president but is incompetent — Smith takes charge and establishes trade relations with Indians — Smith captured by Indians and saved by Pocahontas — The search for gold — Smith's explorations — Industries started — Charter of London Company changed — Lord Delaware appointed governor — Newport, Gates and Somers wrecked — Pocahontas serves colony — Smith returns to England — Condition of Jamestown at his departure — The "starving time" — Gates and Somers succor colonists — Delaware's arrival prevents abandonment of colony — Sir Thomas Dale arrives — Grants to the Company enlarged — Pocahontas married to John Rolfe — Fate of Pocahontas — Argall's cruise to New England — Yearley deposed, Argall appointed — Argall's tyrannical course — First colonial assembly convenes — Slaves introduced — Wyatt succeeds Yearley — Massacre by the Indians — Dissensions in England — Charter of the Virginia Company revoked. Appendix to Chapter III — I. Second Charter of Virginia, 1609; II. Ordinances for Virginia, 1621.

Among the members of the London Company were Sir Thomas Gates, Sir George Somers, Sir Thomas Smith, one of the assignees of Raleigh's patent, Richard Hakluyt, Edward Maria Wingfield and others.* All those who contributed the sum of \$60 were entitled to 100 acres of land, and to such persons as emigrated to the colony, or at their own expense sent colonists, were allowed 100 acres. A quit-rent was reserved on all grants of land. Accordingly, the Company fitted out three vessels, the *Discovery*, the *Godspeed*, and the *Susan* (or *Sarah*) *Constant*, and on the 19th of

December, 1606, the expedition, under the command of Christopher Newport, together with William Gosnold, Robert Hunt, the chaplain, the famous John Smith* and 105 men† set out for the New World. Among the colonists comprising the Company, unfortunately, only about 20 were practical mechanics and workmen, and the large majority of them were wanting the qualities necessary to make good pioneers. About one-half of the party were gentlemen; there were "two chirurgeons, gold

* A short account of Smith's early life is given in Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 80-91.

† Neill, *The English Colonization of America*, p. 17, says 143; others say 125. There is much difference among historians as to which is right.

* For the most prominent of the others connected with this company see Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 65-70.

refiners, perfumers, and footmen, who had never laid hand to axe nor spade"; there were also a blacksmith, a bricklayer, a mason, and four carpenters; and the others were soldiers. Truly an unlikely party to make the first clearing in a primeval forest.*

Hardly had the expedition gotten well started before dissensions arose among the company. The king had very foolishly sealed up in a tin box the names and instructions of those who were to form the council.† Smith, because of his evident superiority for the present undertaking, had excited the envy and jealousy of the others, and on a frivolous charge he was placed in chains in the hold of the ship to be confined there until the expedition reached the colony. The feelings of jealousy and animosity, however, were somewhat allayed by the prudent and judicious conduct of the chaplain, Hunt, and the feeling against Smith had to a great degree subsided before the expedition reached land. The ships sailed by the old route passing the Canaries, and it was not until April, 1607, that the coast of Virginia was sighted. Shortly before reaching land, a most

fortunate gale drove the ships past the site of the old colony into the mouth of the Chesapeake Bay. The headlands were called Cape Henry and Cape Charles and the water in which the ships came to anchor led to the naming of the adjacent land as Point Comfort. The colonists were delighted with the aspect of the new country; they sailed up and explored the James River for about 50 miles and on May 13 fixed the site for the new colony. They adopted the name of Jamestown for the new city, which is the oldest permanent settlement founded by the English in America.*

When the box containing the enclosed instructions was opened it was found that Smith was named as one of the council,† but the old feeling of jealousy had not entirely disappeared, and Wingfield possessed sufficient influence to keep the only competent man among them from his seat in the council. When the company landed, Smith was released from his irons and allowed his freedom until he could be placed upon trial for sedition. The trial resulted in his acquittal, and he was restored to his seat in the council through the good offices of Hunt, the chaplain. It was

* Eggleston, *Beginners of a Nation*, p. 27; Hildreth, vol. i., p. 100; Cooke, *Virginia*, p. 17.

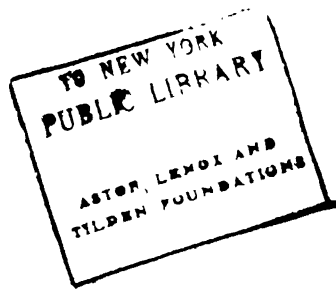
† These orders are given in Neill, *The Virginia Company*, p. 4. The original paper of instructions is in the MS. *Minutes of the London Company*, in the Library of Congress (2 vols.). Excerpts are given in Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 72-76; Brown, *Genesis of the United States*, p. 79.

* See the account by George Percy in Purchas, *His Pilgrimes*, vol. iv., 1685-90; L. G. Tyler, *Cradle of the Republic* (1900); Mrs. S. A. R. Pryor, *Birth of the Nation, Jamestown, 1607* (1907); Page, *The Old Dominion*, p. 84 et seq.

† The others were Newport, Gosnold, John Sickelmore (or Ratcliffe), Wingfield, George Kendall, and John Martin.—Cooke, *Virginia*, pp. 20-21; *The South in the Building of the Nation*, vol. 1, p. 11.



CAPTAIN JOHN SMITH.
Statue by William Couper.



a most fortunate circumstance for the whole colony that the affair turned out as it did, for undoubtedly the new colony would have experienced the same disastrous fate as that of Roanoke had it not been for Smith's energy, perseverance and courage.

The colonies which were founded at Jamestown (May, 1607), and at Sagadahoc, in August, 1607, were both plantations, owned, officered and managed by the proprietors or Company.* The colonists were servants of the Company, for whom they worked under prescribed regulations, being housed and fed out of the products of the total labor of the colony and sending the surplus resulting from their labors to England to be sold for the benefit of the Company. The duties of the colonial officials at this time were chiefly economic, for their duties of selecting good sites for agriculture, etc., attending to the storing of merchandise in the magazine or storehouse, shipping and receiving supplies, etc., overshadowed in number and importance their duties of a political, judicial or military nature, thus rendering them more nearly overseers and factors than politicians.†

The first work of the colonists was to build a fort. The one at Sagadahoc was named Saint George and within it were located about nine dwellings

beside a chapel, a munition house, a storehouse, a court of guard, a smithery, a cooperage, a bakehouse, a kitchen and a buttery.* In December, 1607, however, all but 45 of the colonists returned to England and the others followed in 1608.† The fort at Jamestown was completed, according to George Percy, on June 15, 1607,‡ but Smith says that as late as that autumn no houses for the settlers had been built and that their tents were rotten.|| "Our drink was water, our lodging castles in the air." By January, 1608, several buildings had been erected, including a storehouse, a chapel, and a number of private dwellings,§ but early in the same month part of the palisade and all but three of the buildings in the fort were destroyed by fire.** The damage was repaired with the aid of Newport and his men and the construction and arrangement of the houses improved.

Smith, accompanied by Newport, now ascended the James River and visited Wahunsunakok (the chief of

* Brown, *Genesis of the United States*, p. 190 et seq.

† Osgood, pp. 38, 41.

‡ Brown, p. 165. See also William Strachey's description: *A True Repertory*, etc., in Purchas's *Pilgrimes*, vol. iv., p. 1752; Tyler, *Cradle of the Republic*, pp. 25, 69, and frontispiece; Osgood, vol. i., pp. 36-38.

|| *True Relation* in Arber's *Works of Captain John Smith*, p. 9.

§ Letter of Francis Perkins in Brown's *Genesis*, p. 175; Smith, *Advertisements for the Unexperienced*, in Arber, p. 957;; Wingfield, in *Archæologia Americana*, vol. iv., p. 96.

** *Archæologia Americana*, vol. iv., p. 95.

* See the article by L. D. Seisco — *The Plantation Type of Colony*, in *American Historical Review*, vol. viii., p. 260.

† Osgood, *American Colonies*, vol. i., pp. 34-35.

the Powhatan Indians, more generally known by his title as The Powhatan) who received them with every mark of civility but with little cordiality.* On June 22 Newport returned with the ships to England, taking with him "the first report of his Majestie's counsel for the first colony to Virginia to his Majestie's counsel for Virginia in England," the "First Relatyon" of the discovery of the James River and a number of letters.† After his departure the colonists began to realize their true position which was in truth most deplorable, because of their weakness in numbers, sickness, lack of suitable provisions, suffering because of the summer heat and exposure to the hostility of the natives.‡ Before autumn had come one-half of the colonists had died, among whom was Gosnold.§ The officers of the Company, however, set a part of the colonists at work planting wheat on the four acres of ground that had been cleared in building the fort** and a part of the sustenance of the colony for the first year was secured in this way. Cotton, orange trees, experimental potatoes, melons and pumpkins were planted. The following year more land was

cleared and a greater area of wheat planted, though without great success. In 1609, when Smith was in control, 40 acres were planted with maize and this increased the food supply considerably* so that in conjunction with the supply of fish and game which was very large, the colonists were able to stave off famine.

But as if the food problem were not enough to face, the colonists were called upon to face others which made it even harder for the little band to keep together. In July, 1607, came the "dog days" of the summer and the marshy banks of the river, sweltering in the sun, sweated a poisonous malaria which entered the blood of the colonists and a virulent epidemic followed. The colony was prostrated; the food supply was soon exhausted; and destruction stared them in the face. Percy says that "burning fevers destroyed them; * * * some departed suddenly, but for the most part they died of mere famine. There were never Englishmen left in a foreign country in such misery as we were, in this new discovered Virginia." He says that the sufferers were "groaning in every corner of the fort, most pitiful to hear," and that "if there were any conscience in men it would make their hearts to bleed to hear the pitiful murmurings and outcries * * * some departing out of the world sometimes three and four in a night; in the morning their

* *The Relatyon of the Discovery of James River*, by Captain Newport, together with a brief description of the country and the natives, is in vol. iv., of the *Collections of the American Antiquarian Society* (1860).

† Page, *The Old Dominion*, pp. 100-101.

‡ Osgood, *American Colonies*, vol. i., pp. 42-44.

§ Bancroft, vol. i., p. 92.

** Philip A. Bruce, *Economic History of Virginia in the 17th Century*, p. 194.

* Bruce, p. 195 *et seq.*; Smith's *Works*, p. 154.

bodies trailed out of the cabins like dogs to be buried.”* Among those who died were Gosnold and Thomas Studley, the treasurer. Wingfield and his followers now showed their true characters and added cowardice to incapacity. Wingfield and Kendall made an attempt to seize the pinnace and escape to England, but the colonists frustrated the plot and dealt promptly and severely with them.† Both were deposed from the council and Ratcliffe was chosen president in place of Wingfield.‡ Ratcliffe, however, proved almost as incompetent as his predecessor, and the entire care and management of the affairs fell into Smith’s hands, and it was fortunate that it was so. Shortly after this, Wingfield and Kendall again seized the pinnace and were on the point of escaping, but Smith attacked them with cannon and they were compelled to surrender. Kendall, the ringleader of the conspiracy, was tried by a jury, condemned and shot, but the life of Wingfield was spared though he was deprived of all authority.§ In the fall, the fresh winds

drove away the malaria, and the colonists were restored to health. Furthermore, the approaching winter furnished plenty of game and wild fowl.

Smith now established a trade with the Indians who were plentifully supplied with corn and in this way not only brought food supplies to the colony, but opened up friendly relations with them and also encouraged the colonists to make inland voyages of discovery.* He now set out on a voyage of exploration up the Chickahominy, a tributary of the James River, which entered that river a little above Jamestown. Smith entered upon this voyage according to his instructions which required, with singular ignorance as to the breadth of the continent, that he should seek for an outlet or a means of communication with the South Sea by ascending some stream that flowed from the northwest. While on this voyage, Smith was taken prisoner by 200 Indians under Opechancanough, a brother of The Powhatan, but being possessed of considerable presence of mind, according to tradition, he took out his pocket compass and began to explain its marvelous powers to the Indians, who were so astonished that they carried him from tribe to tribe as a remarkable and superhuman being whose character and designs they were unable to penetrate, in spite of

* Page, *The Old Dominion*, pp. 104-105.

† Cooke, *Virginia*, p. 24.

‡ Soon after this Wingfield was found guilty of slandering Smith and another colonist, named Robinson, and was compelled to pay Smith £100 and Robinson £200. Doyle, *English Colonies in America*, vol. i., p. 119. See also Neill, *Virginia Company*, p. 19; Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 96-99; Wingfield’s *Discourse*, *Archæologia Americana*, vol. iv., p. 88 et seq.; Osgood, *American Colonies*, vol. i., pp. 46-48.

§ Wingfield’s *Discourse*, *Archæologia Americana*, vol. iv., p. 80; Arber, pp. 13, 97; Bancroft, vol. i., p. 92; Cooke, *Virginia*, pp. 25-37.

* Bruce, *Economic History*, p. 157 et seq.; *True Relation* in Arber, p. 9.

the incantations of their Medicine Men.* After much wandering he was brought before the aged Powhatan,† who seated amid his women, received him with a display of barbaric ceremony, and during the feast Smith's fate was decided. The Indians feared his supposedly supernatural powers, and therefore determined to kill him. He was dragged forward and his head placed upon a large stone and the warrior's club lifted ready to dash out his brains, when, according to tradition, Pocahontas, "the king's most deare and well-beloved daughter, a child of tenne or twelve years of age," intervened to save his life. She first passionately entreated her father for the life of the white man who had so strongly appealed to her imagination, but when the decision was made to kill him, she ran forward and clung to him with her arms, laying her head upon his own, and thereby preventing the fatal blow. This act saved Smith and won him the favor of Powhatan. In an endeavor to gain Smith's alliance in an attack upon the colonists, the Indians promised him "life, liberty, land and wo-

men," but Smith turned the Indians from their project, and after seven weeks of captivity* he was dismissed with promises of support and amity. Pocahontas, after saving Smith's life, "revived the dead spirits" of the colonists by bringing to them baskets of provisions, so that the enmity of the savages was disarmed and "all men's fear was now abandoned."†

* In his early account Smith states this to be a month.

† Regarding the Pocahontas story there is much controversy and it is hard to tell whether it is true or not. The principal authority upon which the statements are made is John Smith's *Generall Historie*. There is no question but that Smith was taken prisoner by Powhatan but in Smith's published account of his life in Virginia (*True Relation*—1608) he makes no mention of having been saved by Pocahontas. He simply says that she rendered important services to the colony. It was not until the publication of Smith's *Generall Historie* in 1624 that the story appears in full, though in 1616, in a letter to the Queen, he says that "at the minute of my execution she hazarded the beating out of her brains to save mine." Charles Deane, the antiquarian, in his edition of Wingfield's *Discourse of Virginia*, was the first to point out that Smith's stories varied. It was thought that Smith's known tendency to exaggerate and his desire to satisfy the curiosity of the English people led him to interpolate the story in his history, but many writers such as Edward Arber, in his *Memoir* in the *Encyclopedia Britannica* (9th edition, 1887) and his edition of Smith's *Works* (1884) and Charles Poindexter in his *Capt. John Smith and His Critics* (1893), have contended that Smith's account was entirely accurate. They argue that it is hard to understand Smith's statements in the *True Relation*, the employment of Pocahontas on difficult missions to the whites and Pocahontas's own benefactions, such as the supply of provisions to starving colonists, unless Smith's account is substantially veracious. See also Eggleston and L. E. Seelye, *Pocahontas* (1879); Robertson and Brock, *Pocahontas and Her Descendants* (1887); Fiske, *Old Virginia and Her Neighbours*, pp. 102-111; H. F. Parker, *Morning Stars of the New World*; Edward Eggleston,

* Cooke, *Virginia*, p. 34. Eggleston, however, says: "Captain Smith's earlier accounts of these achievements in Virginia seem to be nearer the truth than his later *Generall Historie*. As years rolled on his exploits gained in number and magnitude in his memory. The apocryphal story of his expounding the solar system by means of a pocket compass to savages, whose idiom he had had no opportunity to learn, is to be found only in his later writings." *Beginners of a Nation*, p. 35 (copyright by D. Appleton & Co.)

† His seat was on the York River, now hardly recognizable as Put-in Bay.

When Smith finally reached Jamestown he found the colony on the brink of ruin, and it was only at the risk of his life that he succeeded in preventing the abandonment of the town by the 40 persons who still remained alive. In 1608 Newport arrived with 120 emigrants and a large quantity of supplies, but the new colonists, instead of being of advantage to the settlement, were a positive injury, as a majority of them were vagabond gentlemen and goldsmiths who were simply stirred by a thirst of gold and had come to the new country for it. When Newport returned to England he took with him a cargo of this worthless earth which was supposed to contain much gold, and it is stated that at this time "there was now no talk, no hope, no work, but dig gold, wash gold, refine gold, load gold."*

Beginners of a Nation, pp. 35 et seq., 61-64; J. E. Cooke, *My Lady Pocahontas: A True Relation of Virginia Writ by Anas Todkill* (1891); and the same author's *Virginia*, p. 70 et seq.; R. D. Owen, *Pocahontas*; Doyle, *English Colonies in America*, vol. i., App. E., pp. 407-411; Henry Adams's criticism of Smith in *North American Review*, vol. civ. (January, 1867), and W. W. Henry's answer in the *Proceedings of the Virginia Historical Society* (1882). On the conditions leading up to the publication of Smith's history see Brown, *English Politics in Early Virginia History*, p. 76 et seq., and on the Smith controversy, p. 170 et seq. Brown says that although Deane was the first among modern historians to question Smith's veracity as to the Pocahontas incident, Smith's history had really been impeached and his veracity questioned "by every record of the Virginia Company which had been found and by every historian of Virginia since Stith." p. 174.

* Cooke, *Virginia*, pp. 41-42.

Smith, however, had little time to waste in such folly and set about exploring the Chesapeake Bay in an open barge of three tons' burden. During the next three months he visited all the territory on the eastern and western shores and explored the Potomac, Potapsco and several other of the tributaries that swell that magnificent basin. He opened trade with friendly tribes, subdued those who were hostile and left behind him among the natives of the land a high opinion of the valor and nobleness of the English character. He made two successive cruises of 3,000 miles, and finally brought back to Jamestown an account of the regions bordering on the Chesapeake with a map that was long used as a basis for subsequent delineations.*

Upon his return to the colony Smith was made president of the council, and from that time infused vigor and activity into its administration. In 1608, 70 new emigrants arrived, of whom two were females,† but like the previous lot, these were quite unsuitable to the requirements of the settlement, and when Smith wrote to the Company in London he said: "When you send again, I en-

* Henry Howe, *Historical Collections of Virginia*, pp. 28-29. This map was considered so correct that it was used in 1873 as an authority in the settlement of the boundary dispute between Maryland and Virginia.

† Mistress Forrest brought with her a maid, Ann Burras (or Annie Burroughs), who soon became the bride of John Lawdon, in "the first recorded English wedding on American soil."

treat you [to] send but thirty carpenters, husbandmen, gardeners, fishermen, blacksmiths, masons, and diggers up of trees' roots, well provided, [rather] than a thousand of such as we have; for except we be able both to lodge them and feed them, the work will consume with want of necessities before they can be made good for anything. * * * And I humbly entreat you hereafter, let us know what we [are to] receive, and not stand to the sailors's courtesy to leave us what they please." * Nevertheless, Smith was equal to any emergency and ruled the colony with a firm hand; in spite of every difficulty, during 1608 and 1609, he enforced law and order among the colonists, laying down the law that "he that will not work shall not eat." † Abandoning the hope of securing gold, Smith attempted the production of tar, pitch, potash and glass, though as Fiske says, "it was hardly to be expected that such industries should attain remunerative proportions in the hands of a little company of settlers who were still confronted with the primitive difficulty of getting food enough to keep themselves alive." ‡ In addition, a well was dug

in the fort, the church was newly covered, 20 buildings were erected, a block-house was built on the neck, and more than 30 acres of ground were planted.*

The London Company was chagrined at the failure of its colonists to acquire vast quantities of gold, and on May 23, 1609, agreed to a change in its constitution. The powers which the king had previously reserved to himself were made over to the Company which was now chartered under the name of "The Treasurer and Company of Adventurers and Planters of the City of London for the First Colony of Virginia." The stockholders were to choose the supreme council from among their own members, and the power to legislate and govern the colony was made en-

winter were the waste of time and the consumption of supplies while lading the ships with the glittering "dust mica" which is so abundant in the Virginia sands. The worthlessness of this cargo could not weaken the hopes of those alchemists who were able to produce gold merely by the use of arguments. The mines of Virginia moved farther west. It wanted only that the explorers should reach the mountains. In spite of the sickness that wasted the colony in 1610, Lord De la Warr sent an expedition to dig gold on the upper James, but the warlike up-river tribes soon drove the prospectors back. In 1634, Sir John Harvey sent another body of men on the same fool's errand, though there had not been found in all the years preceding a particle of tangible evidence that gold existed in Virginia. But on the James, as on the Hudson, the glittering pigment with which the Indians besmeared their faces on occasions of display was believed to contain gold, and the places of its procurement were sought with ludicrous secrecy."—*The Beginners of a Nation*, pp. 13-14. See also p. 82 *et seq.*

* Osgood, p. 54.

* Smith's "Rude Answer" of November, 1608 (*Generall Historie*, Arber, p. 442), excerpts from which are given in Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 125-128.

† Osgood, *American Colonies*, vol. i., p. 53; Bancroft, vol. i., p. 96; Cooke, *Virginia*, p. 53.

‡ *Old Virginia and Her Neighbours*, vol. i., p. 123. Edward Eggleston says: "The main causes of the suffering at Jamestown during the first

tirely independent of the king. Several of the nobility and gentry as well as a number of London tradesmen entered the Company as associates of the other members,* and in addition the limits of the colony were extended. The supreme council was empowered to promulgate such laws as might be deemed best for governing the colony and to send out a governor to execute such laws. Thus they obtained absolute control over the lives, the liberty and fortunes of the colony.

With this change, there seemed now no reason for the failure of the colony. The first act of the new council was to appoint Thomas West, Lord Delaware (or De La Warre), governor and captain-general of the colony.† Until his arrival in the colony, Sir Thomas Gates and Sir George Somers were authorized to conduct its affairs.‡ On June 1, therefore, an expedition, consisting of nine vessels with more than 500 emigrants and under the command of Newport, started on its way to Vir-

ginia.* The prosperity of the colony now seemed to be beyond the reach of danger, but an unforeseen accident interrupted their sanguine expectations. On the way over, a violent storm arose, and the vessel on which were Newport, Gates and Somers was separated from the rest and stranded on the coast of the Bermudas, though happily without the loss of life. The eight remaining ships, however, succeeded in reaching Jamestown in safety.

While these events were transpiring in England, Smith was occupied in maintaining order and security at Jamestown, but the sudden arrival of so many emigrants considerably disconcerted his plans, and as he says, the new emigrants were "unruly gallants, packed thither by their friends to escape ill destinies and unsteady habits at home."† The criminal element among the new arrivals quickly destroyed the tranquillity of the settlement; as the new governor had not arrived, and as his fate was unknown, there was practically no government in the colony, and what provisional authority Smith possessed was not only doubtful but contested,—a state of affairs which tended to a speedy dissolution of the little society. This situation was not so bad in itself, had there been nothing else to contend with, but unfortunately, the Indians were jealous of

* For the persons comprising the Company and the amounts paid, see Brown, *Genesis of the United States*, vol. i., p. 228. Osgood, pp. 56–60, gives a good resumé of the powers granted under the charters. See also Alexander Brown, *English Politics in Early Virginia History*, pp. 11 *et seq.*, 206 *et seq.*, 229 *et seq.* For text of the second charter of Virginia see Thorpe, *Federal and State Constitutions*, vol. vii., pp. 3790–3802; Hening, *Statutes of Virginia*, vol. i., pp. 80–98. See also Appendix I. at the end of the present chapter.

† Brown, *Genesis*, p. 336.

‡ The instructions to Gates and Lord Delaware are among the Ashmolean manuscripts in the Bodleian Library at Oxford. See Osgood, p. 61 *et seq.*

* *The South in the Building of the Nation*, vol. i., p. 13.

† Smith's *Historie*, p. 90.

the encroachments of the English on their lands and watched every opportunity by which they might regain their lost possessions. Up to this time Smith had had little trouble in checking the savage desires of Powhatan of retaliating on the English, but at times he was not able to prevent Powhatan from formulating plans to massacre the whole colony. At such times Pocahontas acted as a guardian angel of the unruly and foolhardy colonists, and was, as Smith declared to the queen of James I., "the instrument for preserving them from death, famine and utter confusion. When her father," he observes, "with policy sought to surprise me, having but eighteen men with me, the dark night could not affright her from coming through the irksome woods, and with watery eyes gave me intelligence, with her best advice, to escape his fury, which, had he known, he had surely slain her."*

Indian treachery could not alone have forced the colonists to disband. Want of concerted industry and the rapid consumption of their stores, combined with the spirit of disunion, soon brought their rewards and all the horrors of famine followed.† Smith was possessed of a remarkable amount of public spirit, and although he had been superseded in authority

in the colony, he continued in his endeavors to bring order out of chaos and to protect the colony against Indian attacks, but at this critical period he was almost killed by an accidental explosion of gunpowder which inflicted so serious a wound that it was necessary for him to return to England for treatment. "Delegating his authority to Percy, he embarked for England.* Extreme suffering from his wounds, and the ingratitude of his employers were the fruits of his services. He received for his sacrifices and perilous exertions, not one foot of land, not the house he himself had built, not the field his own hands had planted, nor any reward but the applause of his conscience and the world. He was the Father of Virginia, the true leader who first planted the Saxon race within the borders of the United States. His judgment had been ever clear in the midst of general despondency. He united the highest spirit of adventure with consummate powers of action. His courage and self-possession accomplished what others esteemed desperate. Fruitful in expedients, he was prompt in execution. Though he had been harassed by the

* See his *True Relation*, and *Generall Historie*; Fiske, *Old Virginia and Her Neighbours*, vol. i., p. 131 et seq.

† For some of the details of which see Eggleston, *Beginners of a Nation*, pp. 38 et seq., 65.

* Osgood, *American Colonies*, vol. i., p. 65, says that he was deposed by Archer, Martin and Ratcliffe; that George Percy was then elected to act as president until the properly designated person should arrive; and that Smith was sent home under charges. See also Brown, *Genesis of the United States*, p. 334; Eggleston, pp. 37, 60-61; Page, *The Old Dominion*, p. 113; Cooke, *Virginia*, pp. 63-67.

persecutions of malignant envy, he never revived the memory of the faults of his enemies. He was accustomed to lead, not to send, men to danger; would suffer want rather than borrow, and starve sooner than not pay. He had nothing counterfeit in his nature; but was open, honest, and sincere. He clearly discerned that it was the true interest of England not to seek in Virginia for gold and sudden wealth, but to enforce regular industry. 'Nothing,' said he, 'is to be expected thence but by labor.' " *

Smith never revisited Virginia, but several times sailed along the coast of New England in the services of the Plymouth Company as will be explained later. He died at London in June, 1631, in the fifty-second year of his age. "The debt of gratitude due to him is national and American, and so should his glory be. Wherever upon this continent the English language is spoken, his deeds should be recounted, and his memory hallowed. His services should not only be not forgotten, but should be freshly remembered. His name should not only be honored by the silent canvass, and the cold marble, but his praises should dwell living upon the lips of men, and should be handed down by fathers to their children. Poetry has imagined nothing more stirring and romantic than his life and adventures, and history, upon her ample page,

* Bancroft, *History of the United States*, vol. i., p. 138 (1st ed.).

has recorded few more honorable and spotless names." *

When Smith sailed away Jamestown contained about 50 or 60 houses, built of wood, some of which were two stories in height with roofs of board or mats or reed thatch. There was a church and a storehouse — the whole enclosed by a palisade of strong logs 15 feet high. At the neck of the peninsula was a fort with cannon mounted on platforms. There were 200 fighting men and in all about 500 men, women and children in the settlement. There was a plentiful supply of provisions, provided they were judiciously used; 500 hogs, horses, sheep and goats; fishing nets and working tools, three ships, seven boats, 20 cannon, 300 muskets, swords and pikes, and a good stock of ammunition.† But immediately after Smith's departure, the colony plunged into misery and wretchedness. They failed to make judicious use of their supplies, and consequently the provisions were soon exhausted; the Indians, now being from under the influence of Smith, refused

* Hillard, *Life of Captain John Smith*, p. 143. See also W. G. Simms' *Life*; Edward Arber's edition of his *Works* in the *English Scholars Library*; Deane's edition of *Smith's True Relation*; Neill, *English Colonization of America* (1871); Poindexter, *Captain John Smith and His Critics* (1893); True, *Memoir of Captain John Smith* (1882); Tyler, *History of American Literature* (1879); Tyler, *Cradle of the Republic* (1900); and *Lives of Smith* by Hill (1858), G. S. Hillard (1834), Robinson (1845), Warner (1881), and Woods (1901); Morris, *Discoverers and Explorers of America*, pp. 181-189.

† Cooke, *Virginia*, pp. 76-77.

to send further aid and murdered a number of the men, among whom was Ratcliffe; and in less than six months from the day of Smith's sailing a horrible famine known as the "starving time" brought the colony to the verge of ruin. Out of the 500 persons left by Smith in the colony only 60 remained,* and indolence, vice and starvation had so reduced these that had the famine lasted ten days longer the remaining 60 would undoubtedly have succumbed. "Throughout the whole winter of 1609-10 suffering was intense; every horse, hog and cow were slaughtered and eaten. The colonists even ate rats, dogs and adders, and it was also reported that an Indian, who had been killed, was eaten. Other horrible accounts of cannibalism are also given us."†

Before the colony had entirely disappeared, succor came in the persons of Gates and Somers. These, it will be remembered, had been shipwrecked on one of the Bermuda Islands, and they had not only succeeded in saving their provisions and stores‡ but in

addition, while the Jamestown settlers had been suffering so severely because of want of supplies, Gates and Somers had been richly supported for many months by the bounties of nature found on the island.* Nevertheless, despite their happy surroundings, Gates and Somers were anxious to get to Virginia, and, constructing two primitive vessels, they succeeded in reaching the colony on May 24, 1610. Upon their arrival, they were horror-stricken at the appearance of the few surviving colonists, and finding that the combined stores would last them all for a period of only 16 days, it was decided to abandon Virginia.† Upon their departure the colonists decided to burn the town, but fortunately this insane act was prevented by Gates.‡ Setting out on the 7th of June in four small pinnaces, the colonists fell down the river with the tide, but the next morning before they had reached the open sea, they were surprised and pleased by the sudden appearance of the long boat of Lord Delaware, who had just at that moment arrived at the mouth of the river with reinforcements both in colonists and in supplies. Persuading many of the colonists to return, and using his authority with those

* Brown, *First Republic*, pp. 97, 129; *Hildreth*, vol. i., pp. 100-101; Bancroft, vol. i., p. 101; Cooke, *Virginia*, pp. 78-80.

† *The South in the Building of the Nation*, vol. i., p. 14.

‡ For an account of this see *A True Repertory of the Wrack and Redemption of Sir Thomas Gates, Knt., upon and from the Islands of the Bermudas, his coming to Virginia and the estate of that Colony then and afterwards, under the Government of the Lord de la Warre*, by William Strachey, secretary of the colony, who was wrecked in the *Sea-Venture* and wrote his nar-

rative in Virginia in 1610. See also Cooke, *Virginia*, pp. 57-61.

* Howe, *Historical Collections of Virginia*, pp. 35-36.

† Brown, *Genesis*, p. 405; Strachey, *True Repertory*; Purchas's *Pilgrimes*, vol. iv., p. 1749; *A True Declaration of Virginia* in Force's *Tracts*, vol. iii.

‡ Bancroft, vol. i., p. 101; Cooke, *Virginia*, p. 81.

who were not willing, Delaware induced the melancholy band to return. His first act on the 10th of June was to publish his commission and to consecrate his assumption of authority in the colony with divine services.*

Delaware's arrival filled the colonists with renewed energy and activity, and they began anew the struggle against the difficulties of their situation, soon finding that their combined efforts overcame the difficulties to which they had previously succumbed. The new governor, though mild and gentle, was firm in his restraint of the factious, and by a judicious exercise of his powers and a display of concern in their personal affairs won over the dissolute and refractory. He established a system of daily labor by which every member of the colony had a certain amount of work assigned to him and every act was regularly preceded by public worship.† It seemed as if the colony were now permanently established and had come into an era of prosperity, but scarcely had Delaware brought about these gratifying results when he was compelled by failing health to return to England (March, 1611), leaving George Percy as deputy-governor during his ab-

sence.* Although in the colony only a short time, Delaware had succeeded in reducing the colonists, who now numbered about 200, to a certain degree of order and had also prevented the encroachments of the Indians by erecting new forts and subduing some tribes. After Delaware left, Sir George Somers was sent to the Bermudas for supplies but he did not live to return. Captain Samuel Argall, however, who accompanied him in another vessel, succeeded in obtaining a supply of corn from the Indians living on the shores of the Potomac.† In May, 1611, Sir Thomas Dale, together with three ships containing 300 emigrants and a supply of cattle, provisions and other needed articles, arrived in the colony. Dale had power to administer summary justice upon any and all classes of offenders, and he administered this "justice" in such a way that his term of office became known as "the five years of slavery."‡ A further addition was made to the colony in the latter part of August when Sir Thomas Gates arrived with six ships, 280 men and 20 women, a large number of cattle and hogs, military stores and other supplies. Immediately upon his arrival, he assumed supreme authority in the colony. Under

* Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 152-155; Brown, *Genesis*, vol. i., p. 407; *The South in the Building of the Nation*, vol. i., pp. 15-16; Osgood, *American Colonies*, vol. i., pp. 67-68; Brown, *English Politics in Early Virginia History*, pp. 19-21; Page, *The Old Dominion*, p. 117 et seq.

† Cooke, *Virginia*, p. 85.

* Neill, *The Early Settlement of Virginia* (1878); *Proceedings of the Virginia Company* (Virginia Historical Society, 1888).

† Arber, pp. 512, 536.

‡ For some of his methods see Eggleston, *Beginners of a Nation*, p. 45 et seq.; Cooke, *Virginia*, pp. 88-89.

Gates' administration, the colony soon began to extend up the James River, upon the banks of which several settlements were made and a town built, which, in honor of Prince Henry, was called Henrico.*

Still the adventurers in England were not satisfied with the powers they possessed under the charter granted them by the king, and in March, 1612, obtained from the king an enlargement of their grants. To the Company was now transferred the supreme power formerly vested in the council, and business was generally transacted at frequent meetings, which thus gave the corporation something of a democratic form. The new grant gave the Bermudas to the Company, but they were subsequently transferred to the administration of a new Company, and in honor of Sir George Somers named the Somers Islands.† The frequent meetings of the court were to consider only ordinary matters. "Matters and Affairs of Greater Weight and Importance and such as in any Sort [should] concern the Weal, Publick and General

Good of the said Company and Plantation, as namely the Manner of Government from Time to Time to be used, the Ordering and Dispensing of the Lands and Possessions and the Settling and Establishing of a Trade there, or Such like" were to be considered every year upon the last Wednesday save one of Hillary Term, Easter, Trinity and Michaelmas, in a "Great, General, and Solemn Assembly" these four assemblies being "Stiled & Called The four Great & General Courts of the Council and Company of Adventurers of Virginia." The treasurer and other members of the Company were to elect the members of this assembly and it was further provided that "in all Questions and Doubts that [should] arise upon any Difficulty of Construction or Interpretation of anything contained in these or any other [our] former Letters-patent, the same should be taken and interpreted in the most ample and beneficial Manner for the said Treasurer and Company and their Successors."*

At about this time the colonists made a treaty of alliance with Powhatan and the Indians which was effected chiefly through the marriage of Pocahontas and John Rolfe. In the spring of 1612, Argall had conducted a foraging party into the interior and captured Poca-

* Brown, *First Republic*, p. 156 *et seq.*; Osgood, *American Colonies*, vol. i., p. 69 *et seq.*; Cooke, *Virginia*, pp. 90-91. A code of civil and military laws was also introduced at this time, the chief provisions of which are given in Doyle, *English Colonies*, vol. i., pp. 138-141; Fiske, *Old Virginia*, vol. i., p. 164 *et seq.*

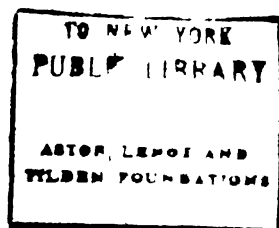
† Brown, *English Politics in Early Virginia History*, pp. 21-26, 217 *et seq.* This new charter is given in Stith, *History of Virginia*, App. iii.; see also Fiske, *Old Virginia*, vol. i., pp. 177-182; Thorpe, *Federal and State Constitutions*, vol. vii., pp. 3802-3810; Henning, *Statutes of Virginia*, vol. i., pp. 98-110.

* See F. N. Thorpe, *The Story of the Constitution of the United States*, p. 21 *et seq.*



THE BAPTISM OF POCAHONTAS.

From the painting by John G. Chapman in the Capitol at Washington.



hontas, but when her father demanded that she be returned, Argall refused.* This incident broke the previously friendly relations between the English and Powhatan, and hostilities were about to break out, but one of the Englishmen, Rolfe, had succeeded in winning the favor of Pocahontas and asked her in marriage. Powhatan, after much persuasion, consented, and after Pocahontas had been instructed in the Christian faith and in the spring of 1613 had received baptism at the hands of Rev. Alexander Whitaker† the marriage ceremony was performed by Whitaker on April 5, 1614.‡ At the same time, the Chichominies also sought the friendship of the English§ and it was thought that inter-marriages with the Indians might become frequent, and thus render less liable any conflict between the two nations, but the marriage of Rolfe was the only one that occurred

for a long time and the Indians were compelled to nurse their vexation and wrath for a fitting revenge.

Regarding the fate of Pocahontas, only a few words are necessary. In 1617 she went to England with her husband where she became a favorite and was much lionized in society. At London she renewed her previous friendship with Smith, who she supposed had long been dead. Smith left us an interesting account of his interview with her:

"Being about this time preparing to set sail for New England, I could not stay to do her that service I desired and she well deserved; but hearing shee was at Branford with divers of my friends, I went to see her. After a modest salutation, without any word, she turned about obscured her face, as not seeming well contented; and in that humor, her husband with divers others, we all left her two or three houres, repenting my selfe, to have writt she could speake English; but not long after, she began to talke, and remembered mee well what courtesies she had done, saying, 'You did promise Powhatan what was yours should bee his, and he the like to you; you called him father, being in his land a stranger and by the same reason so must I doe you'; which though I would have excused, I durst not answer of that title, because she was a king's daughter; with a well-set countenance, she said, 'Were you not afraid to come into my father's countrie, and caused feare in him and all his people but mee, and feare you here I should call you father? I tell you, then, I will, and you shall call mee child, and so I will bee for ever and ever your countryman. They did tell us alwaies you were dead, and I knew no other till I came to Plimoth; yet Powhatan did command Uttamatomakkin to seeke you and know the truth, because your countrymen will lie much.' * * *

"The treasurer, councell, and companie having well furnished Captaine Samuel Argall, the Lady Pocahontas, alias Rebecca, with her husband and others, in the good ship called the George, it pleased God, at Gravesend, to take this young lady to his mercie, where shee made not more

* Argall's letter regarding this is published in Purchas's *Pilgrimes*, vol. iv., p. 1764.

† In the picture of the baptism of Pocahontas in the capitol at Washington a mistake was made by the painter in depicting Dr. Whitaker as clothed in a surplice. Dr. Whitaker himself says in a letter written in June, 1614, that no surplices were used in Virginia. (Purchas, *His Pilgrimes*, iv., 1771). Hugh Jones (in his *Present State of Virginia*, 1724, p. 69) says that surplices did not come into use until about 1724, and J. H. Latané (*Early relations of Maryland and Virginia*, in *Johns Hopkins University Studies in Historical and Political Science*, series xiii, nos. iii-iv., p. 64) says that their use did not become general until the 19th century.

‡ Hawks, *Protestant Episcopal Church in Virginia*, p. 28; Cooke, *Virginia*, pp. 93-97.

§ Cooke, p. 98.

sorrow for her unexpected death, than joy to the beholders to hear and see her make so religious an end."*

In March, 1617, when about twenty-three years of age, Pocahontas passed away, leaving an infant son, through whom several families in Virginia claim direct descent from Powhatan.†

Meanwhile the right of private property had been established in the colony, and in addition a number of respectable young women from England had arrived, which resulted in marriages among the colonists. Dale remained in the colony five years — from 1611 to 1616 — and in 1613 during his term of office, Argall made a cruise along the New England coast which was little less than privateering; he fell upon a colony which the French had just established on the Penobscot and entirely destroyed it, which Cooke (*Virginia*, p. 108) says was "simple buccaneering." Argall again sailed north on a piratical expedition and destroyed the fortifications which De Monts had erected on the isle of St. Croix and then set fire to the deserted settlement of Port Royal.‡ He then turned his ship homeward and it is supposed that he entered the mouth of the Hudson and compelled the Dutch on Manhattan island to acknowledge the authority

and claims of England, but this statement lacks authority and is probably fictitious.*

In 1614 Gates returned to England to be followed two years later by Dale, who left George Yeardley in the colony as deputy-governor.† Yeardley's government was lenient, in fact, too much so for the good of the colony, and he committed the error of allowing the colonists to plant tobacco to the exclusion of corn even in the streets of Jamestown,‡ and the evil effects of this error were felt for many years after. The colonists were now divided into hostile political factions, and in 1617 one of these factions succeeded in displacing Yeardley, and Argall, an active but tyrannical man ("a human hawk, peering about in search of some prey to pounce upon"—Cooke, *Virginia*, p. 111), was appointed deputy-governor and also admiral of the country and the neighboring seas. His rapacity and tyranny, however, caused great discontent among the colonists and complaints were sent home to the Company against him. Lord Delaware was therefore requested to re-

* Brodhead positively asserts its falsity. See his *History of the State of New York*, First Period, p. 54.

† Under Dale's administration the economic condition of the colony had become much better, the general conditions being given in Osgood, *American Colonies*, vol. i., p. 75 *et seq.* See also Page, *The Old Dominion*, pp. 120, 124; Cooke, *Virginia*, p. 109.

‡ Howe, *Historical Collections of Virginia*, pp. 39-40.

* Smith, *History of Virginia*, p. 121.

† See Meade, *Old Churches and Families in Virginia*; Cooke, *Virginia*, pp. 100-104.

‡ Doyle, *English Colonies*, vol. i., pp. 148-150; Parkman, *Pioneers of France in the New World*, pp. 304-317, and authorities cited; Bancroft, vol. i., pp. 105-106.

sume his former office.* In the spring of 1618 Delaware sailed for the colony, but at the entrance of the bay which bears his name he died. This event released Argall from the restraint and fear of a superior, and undoubtedly emboldened him to proceed still further with his excesses and evil practices. So brutal and indefensible did his conduct finally become that he was accused of dishonesty as a technical and specific charge on which he might be removed.† Sir Edwin Sandys, who in the meantime had become more powerful in the affairs of the Company, removed Argall in 1619 and sent Yeardley to supersede him. Before

Yeardley arrived, however, Argall had fled.*

Meanwhile, Sandys was exerting all his influence to secure to Virginians the rights of freeborn Englishmen by a grant of a representative legislature. Though the king did all in his power to prevent it, the Liberal party on November 13, 1618, committed the Company to the "Great Charter or Commissions of Privileges, Orders and Laws."† Yeardley, therefore, soon after his arrival, called together the first colonial assembly of Virginia,‡ composed of the governor, the council and two depu-

* *Records of the Virginia Company*, vol. ii., p. 35.

† Sir Edwin Sandys describes Argall's administration of the public gardens as follows: "The Deputy Governor, on his arrival at that place, which was in or about May, 1617, hath left and delivered to him by his predecessor a portion of public land called the Company's garden, which yielded unto them in one year about £300 profit. Fifty-four servants employed in that same garden and in salt-works set up for the service of the colony; tenants, eighty-one yielded a yearly rent-corn and services, which rent-corn, together with the tribute-corn from the barbarians, amounted to above twelve hundred of our bushels by the year; kine, eighty; goats, eighty-eight. About two years after—viz., Easter, 1619—at the coming away of the said Deputy Governor, his whole estate of the public was gone and consumed, there being not left at that time to the Company either the land aforesaid or any tenant, servant, rent or tribute-corn, cow or salt-work, and but six goats only, without one penny yielded to the Company for their so great loss in way of account or restitution to this very day."—*Records of the Virginia Company*, vol. i., p. 65. See also Eggleston, *Beginners of a Nation*, p. 50 *et seq.*; Bancroft, vol. i., p. 109; Page, *The Old Dominion*, pp. 126-127.

* Doyle, *English Colonies*, vol. i., pp. 156-158; Smith, *Thirteen Colonies*, vol. i., pp. 81-82; Fiske, *Old Virginia*, vol. i., pp. 183-185; Cooke, *Virginia*, p. 112.

† The colonists were mostly agreeably surprised when Yeardley informed them "that those cruell lawes by which the ancient planters had soe longe been governed were now abrogated" to be replaced by "those free lawes which his Majesties subjects lived under in England"; and "that they [the planters] might have a hande in the governinge of themselves, yt was graunted that a generall Assemblie shoulde be helde yearly once, whereat were to be present the govr and counsell, with two Burgesses from each Plantation, freely to be elected by the Inhabitants thereof, this Assemblie to have power to make and ordaine whatsoever lawes and orders should by them be thought good and profitable for our subsistence."—Bancroft, vol. i., p. 111.

‡ The functions of this assembly are given in Doyle, *English Colonies*, vol. i., p. 159 *et seq.* See also Fiske, *Old Virginia*, vol. i., p. 186 *et seq.*; Hurlburt, *Britain and Her Colonies*, pp. 2, 31-34; Bancroft, vol. i., pp. 110-113; Brown, *First Republic*, pp. 309, 313-323, 456; Smith, *Thirteen Colonies*, vol. i., pp. 86-87; *Collections of the New York Historical Society*, 2d series, vol. iii., p. 335 *et seq.*; Richard Frothingham, *The Rise of the Republic of the United States*, p. 17 *et seq.*; Brown, *English Politics in Early Virginia History*, pp. 27-29.

ties from each of the eleven plantations: James City, Charles City, the City of Henricus, Martin Brandon, Martin's Hundred, Lawne's Plantation, Ward's Plantation, Argall's Gift, Flowerdieu Hundred, Smith's (or Smythe's) Hundred and Kecoughtan, the two last being changed to Southampton and Hampton, respectively.* These deputies were called burgesses, a name of note in Virginia history, and they assembled on June 30, 1619, in the little church at Jamestown.† "Among the important acts was one stating that since the London Company insisted upon approving the laws of the Virginia Assembly, the Virginia Assembly should likewise have the privilege of approving the acts of the London Company—the early beginnings of resistance to legislation without representation. The London Company was also requested to send over laborers and workmen to build a college at Henrico."‡

"Thus was formed and established the first representative legislature that ever sat in America. And this example of a domestic parliament to regulate all the internal concerns of the country was never lost sight of but was ever afterwards cherished

* On the manner in which these hundreds or plantations were formed, see Osgood, *American Colonies*, vol. i., pp. 84–87, 90–91, and authorities cited.

† For the proceedings see Osgood, *American Colonies*, vol. i., pp. 92–94; Bancroft, vol. i., p. 112 *et seq.*; Cooke, *Virginia*, pp. 115–117.

‡ *The South in the Building of the Nation*, vol. i., p. 18.

throughout America as the dearest birthright of freemen."*

Two years later, July 24, 1621, when Sir Francis Wyatt succeeded Yeardley, the Company issued the "Great Charter, the Ordinance, and Constitution of the Treasurer, Council, and Company in England for a Council of State and General Assembly in Virginia," which confirmed the laws passed by the burgesses and gave a permanent government to the colony.† At the same time, the plantations were divided into parishes, each clergyman being allowed a glebe of 100 acres with six servants to work it; a salary tax was allowed; and the Company positively enjoined the colonists to worship according to the usages of the Church of England. The salaries of all new officers were provided for by grants of lands and servants, in some instances as much as 1,500 acres and 50 servants being allowed.‡ Meanwhile in England Sir Thomas Smith had been succeeded in the office of treasurer of the Company

* Story, *Commentaries on the Constitution of the United States*, vol. i., p. 21, § 46. See also C. E. Stevens, *Sources of the Constitution of the United States Considered in Relation to Colonial and English History*, pp. 10–12; F. N. Thorpe, *The Story of the Constitution of the United States*, pp. 25–26.

† On the political situation in England affecting Virginia see Brown, *English Politics in Early Virginia History*, chap. vii. For text of these Ordinances see Thorpe, *Federal and State Constitutions*, vol. vii., pp. 3810–3812; Hening, *Statutes of Virginia*, vol. i., pp. 113–114. See also Appendix II. at the end of present chapter.

‡ Hurlburt, *Britain and Her Colonies*, p. 3; Bancroft, vol. i., pp. 117–118.

by Sir Edwin Sandys. Smith retired under a general cloud for neglect of the colony and irregularities in his accounts. While Smith was in office he sent about 1,200 emigrants to Virginia, among whom were 90 young women who became the wives of the planters on the payment to the Company of 100 pounds of tobacco, equal to about \$75. The introduction of the women into the colony was in every way a decided advantage and in the long run proved a blessing.* But on the other hand the king did the colony the injustice to send 100 "jail-birds" who were sold to be servants for a term of years, which practice was long continued, though the colonists earnestly protested against it.† At the same time also (August, 1619),‡ a cargo of 20 negroes was brought to Jamestown by a Dutch vessel and the negroes were

purchased by the planters for slaves.* This was the establishment of the negro slave trade and at intervals thereafter others were brought and purchased in the same way and for the same purpose. Whatever we may think of the practice of slavery in our own day, we must remember that no one at that time supposed there was the slightest wrong in it. Captain Lok, many years before, had very ably expressed the general opinion prevalent among the people regarding slaves when he said that the negroes were "a people of beastly living, without God, law, religion, or commonwealth" and that he was a benefactor of that race when he took them to a civilized Christian land, clothed them decently, and made their souls fit for heaven.†

On June 18, 1620, Sandys was succeeded as treasurer of the Company by the Earl of Southampton,‡ and during the next two years more than 2,000 emigrants were sent to Virginia. In addition to establishing new plantations on the James and York rivers, an estate of 10,000 acres near the falls of the James River was granted as

* Eggleston, *Beginners of a Nation*, p. 57; Cooke, *Virginia*, p. 120 et seq.

† Butler, *British Convicts Shipped to American Colonies*. See also Page, *The Old Dominion*, pp. 136-137; Cooke, p. 119; Howe, *Historical Collections of Virginia*, p. 41. The Company also at this time, because of the great profit derived from the sale of tobacco, realized that every laborer in the field increased the earnings of the Company, and therefore offered a bounty on all able-bodied men landed in the colony. This led to a large amount of kidnapping on the part of brutal English sea-captains. The victims, who were often drugged in order to get them on ship-board, could do nothing else than submit to their indenture when landed and serve their time.

‡ This date is generally given as 1620 but Rolfe then at Jamestown says "To begin with, this year, 1619, about the last of August, came in a Dutch man-of-war that sold us twenty negroes."—Cooke, *Virginia*, p. 123 note.

* Bancroft, vol. i., pp. 125-126.

† See Froude, *History of England*, vol. viii., p. 439.

‡ For the dispute proceedings the election of Southampton see Doyle, *English Colonies*, vol. i., pp. 164-166; Fiske, *Old Virginia*, vol. i., pp. 194-203; Brown, *English Politics in Early Virginia History*, chap. vi. On the internal disputes in the Company regarding business matters, tobacco contracts, etc., see Brown, *First Republic in America*, pp. 244, 267-268, 280, 289, 301, 305-307, 398.

an endowment for a college in which Indians as well as colonists might be educated.* "The cultivation of tobacco had given a sudden impulse to Virginia; the use of it was still quite limited and the English market was overstocked. The price began to fall and great anxiety was evinced by the enlightened treasurer for the introduction into the colony of other staples—flax, silk, wine and the preparation of lumber. New attempts were made at the manufacture of glass, pitch, tar and potashes, and some Italians and Dutch were sent out to instruct the colonists in these occupations."† Yeardley set up the first iron-works and the first wind-mill in America, and the colonists also began to experiment with beehives and vineyards, and renewed their efforts to raise silk worms and cotton, experiments in these having already been made. A shipyard was also started to build boats to transport the produce from the farms and tobacco plantations which extended up the banks

of the James River for nearly 150 miles.*

Up to this time the colony had not proved a source of great profit to the Company, although it had been firmly established and promised great results in the future.† In 1621 Yeardley was superseded as governor by Sir Francis Wyatt, who was instructed to cultivate the good will of the natives and also to restrict the amount of tobacco which each planter might raise. He brought with him a confirmation of all liberties granted previously and definite assurances and provisions for the regular assemblage of the House of Burgesses.‡ These measures, however, were too late and a fearful visitation fell upon the colony. Powhatan was now dead and had been succeeded by Opechancanough, a wild and cunning chief. Opechancanough secretly matured a scheme for massacring the entire band of colonists. The latter had now begun to treat the Indians as enemies of little consequence, and had, therefore, allowed military exer-

* Rev. Patrick Copeland, an East Indian missionary, raised £70 toward the endowment of this school, which was accordingly called the East India School and was to be established at Charles City. The Bishop of London raised £1,000; Gabriel Ferrar, a member of the Company gave £550; the elder Nicholas Ferrar left £300 in his will and many other contributions were made, but before the enterprise could be pushed vigorously the Virginia Company lost its charter and the project was not revived until 1692 when Dr. Blair established William and Mary College at Williamsburg. See Fiske, *Old Virginia*, vol. i., p. 233 *et seq.*

† Hildreth, *History of the United States*, vol. i., p. 121.

* These industries were started by settlers who had been sent out by the Company, they being selected because of their knowledge of the various trades.—Osgood, *American Colonies*, vol. i., pp. 82–83. See also Eggleston, *Beginners of a Nation*, p. 76 *et seq.*

† "The first culture of cotton in the United States deserves commemoration. This year (1621) the seeds were planted as an experiment; and their plentiful coming up was, at that day, a subject of interest in America and England."—Bancroft's *History of the United States*, vol. i., p. 179 (1st ed.).

‡ Osgood, *American Colonies*, vol. i., p. 95 *et seq.*

cise to fall into desuetude, whereas the Indians had constantly practised with fire-arms and had become dexterous in their use. On March 22, 1622, while the colonists slept in apparent security, the Indians fell upon every settlement, and indiscriminately and without mercy slaughtered men, women and children; but fortunately a converted Indian, named Chanco, had given warning to a number of the people the night before, or otherwise the entire band would have fallen prey to the savage. As it was, however, 347 persons perished in the massacre, including six of the council, and the city of Henrico and several other smaller plantations were destroyed.* "And thus the rest of the colony that had warning given them by this means were saved. Such was — God be thanked for it — the good fruit of an infidel converted to Christianity; for though three hundred or more of ours died by many of these pagan infidels, yet thousands of ours were saved by the means of one of them alone, which was made a Christian." Following this massacre came a savage war of retaliation and extermination. The colonists were visited by sickness and famine and within a short time had been reduced from 4,000 to 2,500. Nevertheless, the white men soon regained their superiority over the Indians, who, entrapped by lying promises of security

and immunity, were slain without mercy. This state of affairs continued for about fourteen years.*

At this time the colonists, according to the terms of the charter, were little less than indented servants of the Company. The latter, notwithstanding the privileges they had granted to the colonists, retained full control and direction of the affairs of the colony, but their policy was exceedingly narrow, and in 1623 began a long period of dissensions, which finally resulted in the overthrow of the Company. The ministerial faction in England endeavored to strengthen themselves by securing adherents from among the Virginia Company or colony, but the great majority determined to assert the rights and liberties of the subjects at home as well as of the colonists in a foreign land. There was generated a freedom of discussion on political affairs which the adherents of the royal prerogative disclaimed as being highly dangerous to the state. The minority appealed to King James as an arbiter, who, furnished with a pretext in the ill-success and presumed mismanagement of the Company's affairs, determined to summarily reform them according to his own will.† In 1624, exercising his prerogative without a shadow of legal right, he ordered that possession be taken of the records of the Company in Lon-

* Cooke, *Virginia*, pp. 124-125; Howe, *Historical Collections of Virginia*, pp. 43-45; *The South in the Building of the Nation*, vol. i., p. 20.

* Bancroft, vol. i., pp. 127-129.

† Brown, *English Politics in Early Virginia History*, chap. viii.

don* and appointed two commissions, one of which was to sit in judgment upon its proceedings, while the other, consisting of John Harvey, Samuel Matthews, John Pary, Abram Piersey (John Jefferson was also appointed, but he did not act), was sent to Virginia to make inquiries concerning the condition and management of the colony, "in order," as Lionel Cranfield, Earl of Middlesex, expressed it, "that we [the court party] might have some true grounds to work upon."† From the court point of view, the first inquiry undoubtedly brought a large amount of mismanagement to light,‡ whereupon the king by an order in council declared that he would assume the right to appoint officers for the colony and to direct its plans. He then ordered the directors to accede to this arrangement, on pain of forfeiting their charter should they refuse. The directors were stunned by the suddenness of this attack upon their authority and begged that time might be allowed them for consideration, but the king peremptorily answered that only three days would be allowed. The directors, therefore, determined to submit to force only, and upon their decided refusal the king issued a writ of *quo warranto* against the Company so that the validity of its charter

might be tried in the court of King's Bench. The directors, however, decided to make a last appeal to Parliament which had now assembled, but they gained little sympathy from that body. The colonists, contrary to the threats and inducements of the king, refused to testify against their benefactors, refused to accede to the demands of the commissioners for the records, and implored the king not to listen to or accept as true the reports of mismanagement under Sandys and Southampton. They even sent an agent to England praying that no change be made in their acquired franchises and privileges, but he died on the way over.* Nevertheless, when the commissioners returned from Virginia they submitted many real and fictitious evidences of misgovernment and earnestly recommended that the king restore the original constitution of 1606, and eliminate the democratic element which was supposed to have occasioned so much dissension and misrule. This afforded additional ground for a decision which, according to Robertson, "was perfectly consonant to the wishes of the monarch. The charter was forfeited, the Company was dissolved, and all the rights and privileges conferred on it returned to the king, from whom they flowed." Thus on June 24, 1624, after having expended nearly \$700,000 in their en-

* On the confiscation of evidence by the crown see Brown, pp. 59-60.

† *Ibid.*, pp. 52-53, 66.

‡ *Ibid.*, p. 236 *et seq.*

* Cooke, *Virginia*, p. 131.

deavors to establish a colony, the Virginia Company fell.*

James continued Wyatt in office to exercise his authority on the precedent of the last five years, i. e. from the time that the Company established the Colonial Assembly. "It was the purpose of James to take from the colony much of the freedom in governmental affairs which it had enjoyed under the London Company. Fortunately for Virginia, James died

[March 27, 1625] before he could prepare a plan of government for the colonies, and Charles I. was persuaded by the Virginians, who had granted him certain duties on tobacco from the colony, to continue a representative form of government. Thus one of the most abiding influences of the London Company—popular government—was preserved in the American colonies and eventually produced our republic."*

APPENDIX TO CHAPTER III.

I. THE SECOND CHARTER OF VIRGINIA—1609.

JAMES, by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all, to whom these Presents shall come, Greeting. WHEREAS, at the humble Suit and Request of sundry our loving and well-disposed Subjects, intending to deduce a Colony, and to make Habitation and Plantation of sundry our People in that Part of America, commonly called VIRGINIA, and other Parts and Territories in America, either appertaining unto Us, or which are not actually possessed of any Christian Prince or People, within certain Bounds and Regions, We have formerly, by our Letters-patents, bearing Date the tenth Day of April, in the fourth Year of our Reign of England, France and Ireland, and of Scotland the nine and thirtieth, GRANTED to Sir Thomas Gates, Sir George Somers, and others, for the more speedy Accomplishment of the said Plantation and Habitation, that they should divide themselves into two Colonies (the one consisting of divers Knights, Gentlemen, Merchants, and others, of our City of London, called the FIRST COLONY; And the other consisting of divers Knights, Gentlemen, and others, of our Cities of Bristol, Exeter, and Town of Plimouth, and

other Places called the SECOND COLONY). And have yielded and granted many and sundry Privileges and Liberties to each Colony, for their quiet settling and good Government therein, as by the said Letters-patents more at large appeareth:

Now, forasmuch as divers and sundry of our loving Subjects, as well Adventurers, as Planters, of the said first Colony, which have already engaged themselves in furthering the Business of the said Colony and Plantation, and do further intend, by the Assistance of Almighty God, to prosecute the same to a happy End, have of late been humble Suitors unto Us, that (in Respect of their great Charges and the Adventure of many of their Lives, which they have hazarded in the said Discovery and Plantation of the said Country) We should be pleased to grant them a further Enlargement and Explanation of the said Grant, Privileges, and Liberties, and that such Counsellors, and other Officers, may be appointed amongst them, to manage and direct their Affairs, as are willing and ready to adventure with them, as also whose Dwellings are not so far remote from the City of London, but they may, at con-

* For the details of this struggle see Doyle, *English Colonies*, vol. i., pp. 170-181; Bancroft, vol. i., pp. 129-134; Fiske, *Old Virginia*, vol. i., pp. 206-222. Jefferson says this Company lost £100,000 in establishing the colony.—*Notes on*

Virginia, in Ford's ed. of *Jefferson's Writings*, vol. iii., p. 217.

* *The South in the Building of the Nation*, vol. i., p. 22.

venient Times, be ready at Hand, to give their Advice and Assistance, upon all Occasions requisite.

We greatly affecting the effectual Prosecution and happy success of the said Plantation, and commending their good desires therein, for their further Encouragement in accomplishing so excellent a Work, much pleasing to God, and profitable to our Kingdom, do of our special Grace, and certain Knowledge, and mere Motion, for Us, our Heirs, and Successors, GIVE, GRANT, and CONFIRM, to our trusty and well beloved Subjects, [here follow the names of these subjects] and to such and so many as they do, or shall hereafter admit to be joined with them, in the form hereafter in these presents expressed, whether they go in their Persons to be Planters there in the said Plantation, or whether they go not, but adventure their monies, goods, or Chattles, that they shall be one Body or Commonalty perpetual, and shall have perpetual Succession and one common Seal to serve for the said Body or Commonalty, and that they and their Successors shall be known, called, and incorporated by the Name of *The Treasurer and Company of Adventurers and Planters of the City of London, for the first Colony in Virginia*.

And that they and their Successors shall be from henceforth forever enabled to take, acquire, and purchase by the Name aforesaid (Licence for the same from Us, our Heirs, and Successors, first had and obtained) any Manner of Lands, Tenements, and Hereditaments, Goods and Chattles, within our Realm of England, and Dominion of Wales.

And that they, and their Successors, shall likewise be enabled by the Name aforesaid, to plead and be impleaded, before any of our Judges or Justices in any of our Courts, and in any Actions or Suits whatsoever.

And we do also of our special Grace, certain Knowledge, and mere Motion, give, grant and confirm, unto the said Treasurer and Company, and their Successors, under the Reservations, Limitations, and Declarations hereafter expressed, all those Lands, Countries, and Territories, situate, lying, and being in that Part of *America*, called *Virginia*, from the Point of Land, called *Cape or Point Comfort*, all along the Sea Coast to the Northward, two hundred miles, and from the said Point of *Cape Comfort*, all along the Sea Coast to the Southward, two hundred Miles, and all that Space and Circuit of Land, lying from the Sea Coast of the Precinct aforesaid, up into the Land throughout from Sea to Sea, West and North-west; And also all the Islands lying within one

hundred Miles along the Coast of both Seas of the Precinct aforesaid; Together with all the Soils, Grounds, Havens, and Ports, Mines, as well Royal Mines of Gold and Silver, as other Minerals, Pearls, and precious Stones, Quarries, Woods, Rivers, Waters, Fishings, Commodities, Jurisdications, Royalties, Privileges, Franchises, and Preeminences within the said Territories, and the Precincts thereof, whatsoever, and thereto, and thereabouts both by Sea and Land, being, or in any sort belonging or appertaining, and which We, by our Letters Patents, may or can grant, in as ample Manner and Sort, as We, or any our noble Progenitors, have heretofore granted to any Company, Body Politic or Corporate, or to any Adventurer or Adventurers, Undertaker or Undertakers of any Discoveries, Plantations, or Traffic, of, in, or into any Foreign Parts whatsoever, and in as large and ample Manner, as if the same were herein particularly mentioned and expressed; To HAVE AND TO HOLD, possess and enjoy, all and singular the said Lands, Countries and Territories, with all and singular other the Premises heretofore by these Presents granted, or mentioned to be granted to them, the said Treasurer and Company, their Successors and Assigns forever; To the sole and proper Use of them, the said Treasurer and Company, their Successors and Assigns forever; To BE HOLDEN of Us, our Heirs and Successors, as of our Manor of *East-Greenwich*, in free and common Soccage, and not in Capite; YIELDING and PAYING therefore, to Us, our Heirs and Successors, the fifth Part only of all Ore of Gold and Silver, that from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, for all Manner of Services.

AND nevertheless, our Will and Pleasure is, and we do by these Presents, charge and command, warrant and authorise, that the said Treasurer, and Company, or their Successors, or the major Part of them which shall be present and assembled for that Purpose, shall from Time to Time, under their common Seal, DISTRIBUTE, convey, assign, and set over such particular Portions of Lands, Tenements, and Hereditaments, by these Presents formerly granted unto such our loving Subjects, naturally born, or Denizens, or others, as well Adventurers as Planters, as by the said Company (upon a Commission of Survey and Distribution, executed and returned for that Purpose) shall be nominated, appointed, and allowed; Wherein our Will and Pleasure is, that Respect be had as well of the Proportion of the Adventurer, as to the special Service, Hazard, Exploit, or Merit of any Person so to be recompenced, advanced, or rewarded.

AND forasmuch as the good and prosperous Success of the said Plantation, cannot but chiefly depend next under the Blessing of God, and the Support of our Royal Authority, upon the provident and good Direction of the whole Enterprise, by a careful and understanding Council, and that it is not convenient, that all the Adventurers shall be so often drawn to meet and assemble, as shall be requisite for them to have Meetings and Conference about the Affairs thereof; Therefore we do ORDAIN, establish and confirm, that there shall be perpetually one COUNCIL here resident, according to the Tenour of our former Letters-Patents; Which Council shall have a Seal for the better Government and Administration of the said Plantation, besides the legal Seal of the Company or Corporation, as in our former Letters-Patents is also expressed.

AND further, We ESTABLISH and ORDAIN, That Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Lincoln, Thomas, Earl of Exeter, Robert, Lord Viscount Lisle, Lord Theophilus Howard, James, Lord Bishop of Bath and Wells, Lord Edward Zouche, Thomas Lord Lawarr, William, Lord Mounteagle, Edmund, Lord Sheffield, Gray, Lord Chandois, John, Lord Stanhope, George, Lord Carew, Sir Humfrey Weld, Lord Mayor of London, Sir Edward Cecil, Sir William Wade, Sir Henry Nevil, Sir Thomas Smith, Sir Oliver Cromwell, Sir Peter Manwood, Sir Thomas Challoner, Sir Henry Hobert, Sir Francis Bacon, Sir George Coppin, Sir John Scot, Sir Henry Carey, Sir Robert Drury, Sir Horatio Vere, Sir Edward Conway, Sir Maurice Berkeley, Sir Thomas Gates, Sir Michael Sandys, Sir Robert Mansell, Sir John Trevor, Sir Amias Preston, Sir William Godolphin, Sir Walter Cope, Sir Robert Killigrew, Sir Henry Fanshaw, Sir Edwin Sandys, Sir John Watts, Sir Henry Montague, Sir William Romney, Sir Thomas Roe, Sir Baptist Hicks, Sir Richard Williamson, Sir Stephen Poole, Sir Dudley Digges, Christopher Brooke, Esq. John Eldred, and John Wolstenholme shall be our Council for the said Company of Adventurers and Planters, in Virginia.

AND the said Thomas Smith, We DO ORDAIN to be Treasurer of the said Company; which Treasurer shall have Authority to give Order for the Warning of the Council, and summoning the Company to their Courts and Meetings.

AND the said Council and Treasurer, or any of them shall be from henceforth nominated, chosen, continued, displaced, changed, altered and supplied, as Death, or other several Occasions shall require, out of the Company of the said Adventurers, by the Voice of the greater part of the

said Company and Adventurers, in their Assembly for that Purpose: PROVIDED always, That every Counsellor so newly elected, shall be presented to the Lord Chancellor of *England*, or to the Lord High Treasurer of *England*, or to the Lord Chamberlain of the Household of Us, our Heirs and Successors for the Time being, to take his Oath of a Counsellor to Us, our Heirs and Successors, for the said Company of Adventurers and Colony in *Virginia*. AND we do by these Presents, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, GRANT unto the said Treasurer and Company, and their Successors, that if it happen at any Time or Times, the Treasurer for the Time being to be sick, or to have any such cause of Absence from the City of *London*, as shall be allowed by the said Council, or the greater part of them assembled, so as he cannot attend the affairs of that Company, in every such Case, it shall and may be lawful for such Treasurer for the Time being, to assign, constitute, and appoint one of the Council, or Company, to be likewise allowed by the Council, or the greater Part of them assembled, to be the Deputy Treasurer of the said Company; Which Deputy shall have Power to do and execute all Things which belong to the said Treasurer, during such Time as such Treasurer shall be either sick, or otherwise absent, upon Cause allowed of by the said Council, or the major Part of them, as aforesaid, so fully and wholly, and in as large and ample Manner and Form, to all Intents and Purposes, as the said Treasurer if he were present himself, might or could do and execute the same.

AND further, of our special Grace, certain Knowledge, and mere Motion, for Us, our Heirs and Successors, we do, by these Presents, GIVE and GRANT full Power and Authority to our said Council here resident, as well at this present time, as hereafter from time to time, to nominate, make, constitute, ordain and confirm, by such Name or Names, Stile or Stiles as to them shall seem good, And likewise to revoke, discharge, change, and alter, as well all and singular Governors, Officers, and Ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used for the Government, of the said Colony and Plantation:

AND also to make, ordain, and establish all Manner of Orders, Laws, Directions, Instructions, Forms and Ceremonies of Government and Magistracy, fit and necessary for and concerning the Government of the said Colony and Plantation; And the same, at all Times hereafter, to abrogate, revoke, or change, not only within the Precincts of

the said Colony, but also upon the Seas, in going and coming to and from the said Colony, as they in their good Discretion, shall think to be fittest for the Good of the Adventurers and inhabitants there.

AND we do also declare, that for divers Reasons and Considerations, Us thereunto especially moving, our Will and Pleasure is, and We do hereby ordain, that immediately from and after such Time as any such Governor or principal Officer, so to be nominated and appointed by our said Council, for the Government of the said Colony as aforesaid, shall arrive in *Virginia*, and give Notice unto the Colony there resident, of our pleasure in this Behalf, the Government Power and Authority of the President and Council heretofore by our former Letters-patents there established, and all Laws and Constitutions by them formerly made shall utterly cease and be determined; And all Officers, Governors, and Ministers formerly constituted and appointed, shall be discharged, anything in our former Letters-patents concerning the said Plantation contained in any wise to the contrary notwithstanding; Straightly charging and commanding the President and Council now resident in the said Colony upon their Allegiance, after Knowledge given unto them of our Will and Pleasure by these presents signified and declared that they forthwith be obedient to such Governor or Governors as by our said Council here resident shall be named and appointed as aforesaid, and to all Directions, Orders and Commandments which they shall receive from them, as well in the present resigning and giving up of their Authority, Offices, Charge and Places, as in all other Attendance as shall be by them from time to time required.

AND we do further by these presents ORDAIN and establish, that the said Treasurer and Council here resident, and their successors or any four of them being assembled (the Treasurer being one) shall from time to time have full Power and Authority to admit and receive any other Person into their Company, Corporation, and Freedom; And further in a General Assembly of Adventurers, with the consent of the greater part upon good Cause, to disfranchise and put out any Person or Persons out of the said Freedom or Company.

AND we do also GRANT and confirm for Us, our Heirs and Successors, that it shall be lawful for the said Treasurer and Company and their Successors by direction of the Governors there, to dig and to search for all manner of Mines of Gold, silver, Copper, Iron, Lead, Tin, and all sorts of Minerals, as well within the precinct aforesaid, as within and part of the main land

not formerly granted to any other; And TO HAVE and ENJOY the Gold, Silver, Copper, Iron, Lead, and Tin, and all other Minerals to be gotten thereby, to the use and behoof of the said company of Planters and Adventurers; YIELDING thereof, and paying Yearly unto Us, our Heirs and Successors as aforesaid.

AND we do further of our special Grace, certain Knowledge, and mere Motion for Us, our Heires, and Successors, GRANT by these presents, to and with the said Treasurer and Company, and their Successors, that it shall be lawful and free for them and their Assigns, at all and every time and times hereafter, out of our Realm of *England*, and out of all other our Dominions, to take and lead into the said Voyages, and for and towards the said Plantation, and to travel thitherwards and to abide and inhabit there in the said Colony and Plantation, all such and so many of our loving Subjects, or any other Strangers, that will become our loving Subjects, and live under our Obedience, as shall willingly accompany them in the said Voyage and Plantation; With sufficient Shipping, Armour, Weapons, Ordinance, Munition, Powder, Shot, Victuals, and such Merchandises or Wares as are esteemed by the wild People in those Parts, Cloathing, Implements, Furniture, Cattle, Horses, and Mares, and all other things necessary for the said Plantation, and for their Use, and Defence, and Trade with the People there; and passing and returning to and fro; Without yielding or paying Subsidy, Custom, Imposition, or any other Tax or Duty, to Us, our Heirs, or Successors, for the space of seven Years from the Date of these Presents: PROVIDED that none of the said Persons be such as shall be hereafter by special name restrained by Us, our Heirs, and Successors.

AND for their further Encouragement, of our special Grace and Favour, we do by these Presents, for Us, our Heires, and Successors, YIELD and GRANT to and with the said Treasurer and Company, and their Successors, and every of them, their Factors and Assigns, that they and every of them shall be free of all Subsidies and Customs in *Virginia*, for the space of one and twenty Years, and from all Taxes and Impositions for ever upon any Goods or Merchandizes at any Time or Times hereafter, either upon Importation thither, or Exportation from thence into our Realm of *England*, or into any other of our Realms or Dominions, by the said Treasurer and Company, and their Successors, and their Deputies, Factors, or Assigns, or any of them: EXCEPT only the five Pounds *per Cent.* due for Custom upon all such Goods and Merchandizes as shall be

brought or Imported into our Realm of *England*, or any other of these our Dominions according to the antient Trade of Merchants; WHICH FIVE POUNDS *per Cent* ONLY being paid, it shall be thenceforth lawful and free for the said Adventurers, the same Goods and Merchandizes to export and carry out of our said Dominions into foreign Parts without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other our Officers or Deputies: PROVIDED, that the said Goods and Merchandizes be shipped out, within thirteen Months after their first landing within any Part of those Dominions.

AND we do also GRANT and confirm to the said Treasurer and Company, and their Successors, as also to all and every such Governor, or other Officers, and Ministers, as by our said Council shall be appointed to have Power and Authority of Government and Command in and over the said Colony and Plantation; That they, and every of them, shall and lawfully may from Time to Time and at all Times for ever hereafter, for their several Defence and Safety, encounter, expulse, repel, and resist by Force and Arms, as well by Sea as by Land, and all Ways and Means whatsoever, all and every such Person and Persons whatsoever as (without the special Licence of the said Treasurer and Company and their Successors) shall attempt to inhabit within the said several Precincts and Limits of the said Colony and Plantation; And also all and every such Person and Persons whatsoever, as shall enterprize or attempt at any Time hereafter, Destruction, Invasion, Hurt, Detriment, or Annoyance, to the said Colony and Plantation, as is likewise specified in the said former Grant:

AND that it shall be lawful for the said Treasurer and Company, and their Successors, and every of them from Time to Time, and at all Times for ever hereafter, and they shall have full Power and Authority to take and surprize by all Ways and Means whatsoever, all and every Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creek, or Place, within the Limits or Precincts of the said Colony and Plantation not being allowed by the said Company to be Adventurers or Planters of the said Colony until such Time as they being of any Realms and Dominions under our Obedience, shall pay, or agree to pay, to the Hands of the Treasurer, or of some other Officer deputed by the said Governor of *Virginia* (over and above such Subsidy or Custom as the said Company is or hereafter shall be to pay) five Pounds *per Cent*. upon all Goods and Merchandises so brought in thither, and also five *per Cent*.

upon all Goods by them shipped out from thence; And being Strangers and not under our Obedience until they have paid (over and above such Subsidy and Custom, as the said Treasurer and Company, or their Successors, is, or hereafter shall be to pay) ten Pounds *per Cent*. upon all such Goods likewise carried in and out, any Thing in the said former Letters-patents to the contrary notwithstanding; And the same SUMS of MONEY and Benefit, aforesaid, for and during the space of one and twenty Years, shall be wholly employed to the Benefit, Use, and Behoof of the said Colony and Plantation; And after the said one and twenty Years ended, the same shall be taken to the use of Us, our Heirs and Successors, by such Officers and Ministers, as by Us, our Heirs or Successors shall be thereunto assigned and appointed, as is specified in the said former Letters-patents.

ALSO we do for Us, our Heirs and Successors, DECLARE by these Presents, that all and every the Persons being our Subjects, which shall go and inhabit within the said Colony and Plantation, and every their Children and Posterity, which shall happen to be born within any of the Limits thereof, shall HAVE and ENJOY all Liberties, Franchizes, and Immunities of Free Denizens and natural Subjects within any of our other Dominions to all Intents and Purposes, as if they had been abiding and born within this our Realm of *England*, or in any other of our Dominions.

AND forasmuch as it shall be necessary for all such our loving Subject as shall inhabit within the said Precincts of *Virginia* aforesaid, to determine to live together in the Fear and true Worship of Almighty God, Christian Peace and Civil Quietness each with other, whereby every one may with more Safety, Pleasure and Profit enjoy that whereunto they shall attain with great Pain and Peril; We for Us, our Heirs, and Successors are likewise pleased and contented, and by these Presents do GIVE and GRANT unto the said Treasurer and Company, and their Successors, and to such Governors, Officers, and Ministers, as shall be by our said Council constituted and appointed according to the Natures and Limits of their Offices and Places respectively, that they shall and may from Time to Time, for ever hereafter, within the said Precincts of *Virginia*, or in the way by Seas thither and from thence, have full and absolute Power and Authority to correct, punish, pardon, govern, and rule all such the Subjects of Us, our Heires, and Successors as shall from Time to Time adventure themselves in any Voyage thither, or that shall at any Time hereafter, inhabit in the Precincts and Territories of the

said Colony as aforesaid, according to such Orders, Ordinances, Constitutions, Directions, and Instructions, as by our said Council as aforesaid, shall be established; And in Defect thereof in case of Necessity, according to the good Discretions of the said Governor and Officers respectively, as well in Cases capital and criminal, as civil, both Marine and other; So always as the said Statutes, Ordinances and Proceedings as near as conveniently may be, be agreeable to the Laws, Statutes, Government, and Policy of this our Realm of *England*.

AND we do further of our special Grace, certain Knowledge, and mere Motion, GRANT, DECLARE, and ORDAIN, that such principal Governor, as from Time to Time shall duly and lawfully be authorized and appointed in Manner and Form in these Presents heretofore expressed, shall have full Power and Authority, to use and exercise Martial Law in Cases of Rebellion or Mutiny, in as large and ample Manner as our Lieutenants in our Counties within this our Realm of *England* have or ought to have, by Force of their Commissions of Lieutenancy.

AND furthermore, if any Person or Persons, Adventurers or Planters of the said Colony, or any other at any Time or Times hereafter, shall transport any Monies, Goods, or Merchandises, out of any of our Kingdoms with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limits or Bounds of the said Colony, and yet nevertheless being at Sea, or after he hath landed within any part of the said Colony, shall carry the same into any other foreign Country with a Purpose there to sell and dispose thereof; That then all the Goods and Chattels of the said Person or Persons so offending, and transported, together with the Ship or Vessel wherein such Transportation was made, shall be forfeited to Us, our Heirs, and Successors.

AND further, our Will and Pleasure is, that in all Questions and Doubts that shall arise upon any difficulty of Construction or Interpretation of any Thing contained either in this, or in our said former Letters-patents, the same shall be taken and interpreted in most ample and beneficial Manner for the said Treasurer and Company, and their Successors, and every Member thereof.

AND further, we do, by these Presents RATIFY and CONFIRM unto the said Treasurer and Company, and their Successors, all the Privileges, Franchises, Liberties, and Immunities granted in our said former Letters-patents, and not in these our Letters-patents, revoked, altered, changed, or abridged.

AND finally our Will and Pleasure is, and we do further hereby for Us, our Heirs, and Successors, GRANT and AGREE, to and with the said Treasurer and Company, and their Successors, that all and singular Person and Persons, which shall at any Time or Times hereafter adventure any Sum or Sums of Money in and towards the said Plantation of the said Colony in *Virginia*, and shall be admitted by the said Council and Company, as Adventurers of the said Colony in Form aforesaid, and shall be enrolled in the Book or Records of the Adventurers of the said Company, shall and may be accounted, accepted, taken, held, and reputed Adventurers of the said Colony, and shall, and may enjoy all and singular Grants, Privileges, Liberties, Benefits, Profits, Commodities and Immunities, Advantages, and Emoluments whatsoever, as fully, largely, amply, and absolutely, as if they and every of them, had been precisely, plainly, singularly, and distinctly named and inserted in these our Letters-patents.

AND lastly, because the principal Effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect we should be loath that any Person should be permitted to pass that we suspected to affect the Superstitions of the Church of *Rome*, we do hereby DECLARE, that it is our Will and Pleasure that none be permitted to pass in any Voyage from Time to Time to be made into the said Gountry, but such as first shall have taken the Oath of Supremacy; For which Purpose, we do by these Presents give full Power and Authority to the Treasurer for the Time being, and any three of the Council, to tender and exhibit the said Oath, to all such Persons as shall at any Time be sent and employed in the said Voyage.

ALTHOUGH express mention of true yearly Value or Certainty of the Premises, or any of them, or of any other Gifts or Grants by Us, or any of our Progenitors or Predecessors to the aforesaid Treasurer and Company heretofore made in these Presents, is not made; Or any Act, Statute, Ordinance, Provision, Proclamation, or Restraint, to the contrary hereof had, made, ordained, or provided, or any other Thing, Cause, or Matter whatsoever in any wise notwithstanding. IN WITNESS whereof, We have caused these our Letters to be made Patent. Witness ourself at *Westminster*, the 23^d Day of *May*, in the seventh Year of our Reign of *England*, *France*, and *Ireland*, and of *Scotland* the * * *

PER IPSUM REGEM.

LUKIN.

II. ORDINANCES FOR VIRGINIA—JULY 24—AUGUST 3, 1621.

An Ordinance and Constitution of the Treasurer, Council, and Company in England, for a Council of State and General Assembly. Dated July 24, 1621.

To all People, to whom these Presents shall come, be seen, or heard, The Treasurer, Council, and Company of Adventurers and Planters for the City of London for the first Colony of Virginia, send Greeting. Know YE, that we, the said Treasurer, Council, and Company, taking into our careful Consideration the present State of the said Colony of Virginia, and intending, by the Divine Assistance, to settle such a Form of Government there, as may be to the greatest Benefit and Comfort of the People, and whereby all Injustice, Grievances, and Oppression may be prevented and kept off as much as possible from the said Colony, have thought fit to make our Entrance, by ordering and establishing such Supreme Councils, as may not only be assisting to the Governor for the time being, in the Administration of Justice, and the executing of other Duties to this office belonging, but also, by their vigilant care and Prudence, may provide, as well for a Remedy of all Inconveniences, growing from time to time, as also for advancing of Increase, Strength, Stability, and Prosperity of the said Colony:

II. WE therefore, the said Treasurer, Council, and Company, by Authority directed to us from his Majesty under the Great Seal, upon mature Deliberation, do hereby order and declare, that, from hence forward, there shall be TWO SUPREME COUNCILS in Virginia, for the better Government of the said Colony aforesaid.

III. THE one of which Councils, to be called THE COUNCIL OF STATE (and whose Office shall chiefly be assisting, with their Care, Advice, and Circumspection, to the said Governor) shall be chosen, nominated, placed and displaced, from time to time, by Us, the said Treasurer, Council, and Company, and our Successors: Which Council of State shall consist, for the present, only of these Persons, as are here inserted, viz. Sir Francis Wyat, Governor of Virginia, Captain Francis West, Sir George Yeardley, Knight, Sir William Neuce, Knight Marshal of Virginia, Mr. George Sandys, Treasurer, Mr. George Thorpe, Deputy of the College, Captain Thomas Neuce, Deputy for the Company, Mr. Pawlet, Mr. Leech, Captain Nathaniel Powell, Mr. Christopher Davison, Secretary, Doctor Potts, Physician to the Company, Mr. Roger Smith, Mr. John Berkeley, Mr. John Rolfe, Mr. Ralph Hamer, Mr. John Pountie,

Mr. Michael Lapworth, Mr. Harwood, Mr. Samuel Macock. Which said Counsellors and Council we earnestly pray and desire, and in his Majesty's Name strictly charge and command, that (all Factions, Partialities, and sinister Respect laid aside) they bend their Care and Endeavours to assist the said Governor; first and principally, in the Advancement of the Honour and Service of God, and the Enlargement of his Kingdom amongst the Heathen People; and next, in erecting of the said Colony in due obedience to his Majesty, and all lawful Authority from his Majesty's Directions; and lastly, in maintaining the said People in Justice and Christian Conversation amongst themselves, and in Strength and Ability to withstand their Enemies. And this Council, to be always, or for the most Part, residing about or near the Governor.

IV. THE other Council, more generally to be called by the Governor, once yearly, and no oftener, but for very extraordinary and important occasions, shall consist, for the present, of the said Council of State, and of two Burgesses out of every Town, Hundred, or other particular Plantation, to be respectively chosen by the Inhabitants: Which Council shall be called THE GENERAL ASSEMBLY, wherein (as also in the said Council of State) all Matters shall be decided, determined, and ordered, by the greater Part of the Voices then present; reserving to the Governor always a Negative Voice. And this General Assembly shall have free Power to treat, consult, and conclude, as well of all emergent Occasions concerning the Publick Weal of the said Colony and every Part thereof, as also to make, ordain, and enact such general Laws and Orders, for the Behoof of the said Colony, and the good Government thereof, as shall, from time to time, appear necessary or requisite;

V. WHEREAS in all other Things, we require the said General Assembly, as also the said Council of State, to imitate and follow the Policy of the Form of Government, Laws, Customs, and Manner of Trial, and other Administration of Justice, used in the Realm of England, as near as may be, even as ourselves, by his Majesty's Letters Patent, are required.

VI. PROVIDED, that no Law or Ordinance, made in the said General Assembly, shall be or continue in Force or Validity, unless the same shall be solemnly ratified and confirmed, in a General Quarter Court of the said Company here in England and so ratified, be returned to them under

our Seal; It being our Intent to afford the like Measure also unto the said Colony, that after the Government of the said Colony shall once have been well framed, and settled accordingly, which is to be done by Us, as by Authority derived from his Majesty, and the same shall have been so by us declared, no Orders of Court after-

wards shall bind the said Colony, unless they be ratified in like Manner in the General Assemblies. IN WITNESS whereof we have hereunto set our Common Seal, the 24th of July 1621, and in the Year of the Reign of our Sovereign Lord, JAMES, King of England, &c., the * * * and of Scotland the * * * .

CHAPTER IV.

1609-1642.

SETTLEMENTS BY THE DUTCH AND SWEDES.

The Dutch East India Company incorporated — Henry Hudson discovers and explores the Hudson River — His conduct toward the natives — Returns to Holland — Perishes in Hudson's Bay — Argall's depredations — Monopoly granted by States-General — Explorations of Block, Christaensen and May — Forts erected at Manhattan and near Albany — Trading monopoly passes to Dutch West India Company — Its government — May becomes first director of New Netherland — Walloons settle Wallabout — Peter Minuit succeeds May — Manhattan Island and Staten Island purchased from Indians — Minuit's controversy with Bradford, governor of Plymouth — Dispute settled — Charter of "Privileges and Exemptions" — The plan of colonization — Swaanendael, Pavonia, and Rensselaerwyck — Minuit recalled and Van Twiller appointed his successor — Attempt of the Dutch to settle in Connecticut — Forced to withdraw — Swansdale sold back to Company — Van Twiller repels attempt of English to capture Fort Nassau — Van Twiller succeeded by Kieft — The Company of the South Seas organized by the Swedes — Minuit leads expedition to Delaware — Minuit's successors — Instructions to Prints — Activities of the Swedes. Appendix to Chapter IV: the Charter of Privileges and Exemptions.

While the other European nations were sending out their explorers not only to America but also to find a more convenient passage to the East, the Dutch people had not been idle. Being a nation of hardy and experienced mariners and possessing a large and excellent merchant marine,* they were ambitious to discover an enviable route to the Indies and for some time had been attempting to find a northern route to the East.†

* Hume, in his *History of England*, vol. iv., p. 514, says that the Dutch "possessed three times more shipping than the English but their ships were of inferior burden to those of the latter." It is undoubtedly true that by the end of the 16th century the Dutch were the foremost power on the sea.

† Sir George Birdwood and Forster in the introduction to *The First Letter Book of the East*

Regarding the journeys of Cornelius Houtman in 1595 around the Cape of Good Hope and of others to Java and the Moluccas in 1598 we need make no extensive comments.* But the establishment of these Oriental trade routes led to the organization and in-

India Company, xliii, say that while the Dutch attempts to get to the East were later than those of the English, their long established indirect trade with India, through Lisbon, enabled them to get there before the English. Motley (*United Netherlands*, vol. iii., p. 513 *et seq.*) says that the Dutch already had some knowledge of the East as one of their countrymen, John Huygan van Linschoten, published a book in 1596 which gave an account of a voyage he had made to the East on a Portuguese vessel and which described his long residence in India.

* Details will be found in Morris, *History of Colonization*, vol. i., p. 309 *et seq.* and authorities cited.

corporation of the Dutch East India Company, which subsequently had not a little to do with the exploration of America. Up to this time Spain and Portugal had practically exercised a monopoly of marine rights which they claimed under the theory that a nation was the absolute possessor of and might exercise exclusive control over a body of water or a tract of land which had been discovered by its subjects, but the Dutch, backed by the good will of the peoples of northern Europe, attacked this mistaken dogma and proceeded to defy the Spanish nation in its attempt to enforce its observance.* Furthermore, the competition between trading companies was becoming ruinous; there was lack of system which resulted in sending too many vessels to one port and none to another; credit was weak and capital was timid; and the tendency among smaller merchants to practice fraud was becoming more marked.

Therefore it was deemed expedient to charter a company which would do away with all this, and accordingly on March 29, 1602, the Dutch East India Company was chartered, its capital stock, amounting to approximately \$5,000,000, divided into 2,153 shares, nearly 57 per cent. of which was owned in Amsterdam and the remainder in Zealand, Delft, Rotterdam, Hoorn and Enkhuizen.† The

government of the Company consisted of a council of 60 members with a supreme managing board of 17 directors named by the States-General.*

Under the auspices of this Company the Hudson River was discovered in 1609 by Henry Hudson, a famous navigator who had entered the service of the Company some time previously.† By birth he was an Englishman and had been an intimate friend of John Smith. In an attempt to discover a northwest passage to India, Hudson, in the employ of some London merchants, had already made two voyages,‡ but as he received no encouragement in England he went to Holland, whence on April 4, 1609, in command of a small vessel of 80 tons' burden, named the *Half-Moon*, he embarked on a third voyage. Proceeding to America, he was impeded by the ice in the northern seas and therefore started southward. Sailing along

subjects of the United Provinces may participate in the profits thereof." This was "the first great joint-stock company whose shares were bought and sold from hand to hand" and its prosperity was so great that it soon paid dividends of 60 per cent.—Payne, *European Colonies*, p. 55.

* See Raynal's *History * * * of the Commerce and Establishments of the Europeans in the Indies* (Eng. tr.) vol. i., p. 311 *et seq.*; Motley, *United Netherlands*, vol. iv., p. 125 *et seq.*; also Morris, *History of Colonization*, vol. i., p. 310 *et seq.*

† Fiske says that there can be no doubt but that the Hudson River was visited by many Europeans before Hudson and cites many instances, noting especially the visit of Verrazzano — *Dutch and Quaker Colonies in America*, vol. i., pp. 58–80.

‡ Bancroft, vol. i., p. 481; Lamb, *History of the City of New York*, vol. i., pp. 26–27.

* Motley, *United Netherlands*, vol. iv., p. 226.

† The preamble of the charter states that the "said companies [should] be united in a firm and certain union, and in such manner that all the

the coast of Acadia, he entered Penobscot Bay, then touched at Cape Cod, entered Chesapeake and Delaware Bays and finally on September 2 entered Sandy Hook Bay. The sailors went ashore and found the land "pleasant with grass and flowers and as goodly trees as ever they had seen, and very sweet smells came from them." * Passing through the narrows on the 11th, Hudson on the following day began his voyage up the river which now bears his name and found the country on each side "as beautiful a land as one can tread upon." Hudson ascended the river as far as the site of the present city of Albany, and from that town sent a small boat further up the river which probably explored somewhat beyond Waterford.† There has been much dispute regarding Hudson's conduct toward the natives, some claiming, as Hildreth, that it was marked with "reckless cruelty," but the facts on record hardly seem to substantiate this statement.‡ Hudson then having gained considerable knowledge of the upper portion of the river, descended to Sandy Hook Bay and on October 4 set sail for home.§ Arriving at

Dartmouth, England, in a little more than a month, he and his ship were seized in England and the vessel detained there for about eight months, but at the end of that time the vessel was allowed to depart for Holland, though Hudson was detained by a royal order. Upon his release he set sail on his fourth voyage, but from this he never returned. Shortly after his arrival at Hudson's Bay in 1611, his crew mutinied, undoubtedly because of the extremely cold weather and the fact that provisions were running low, and Hudson, his young son and seven others were set adrift in an open boat, only to perish in the frozen regions of the bay which still bears his name and reminds us of his terrible fate.* Fiske says: "The

melancholy grandeur over the useless magnificence of nature, and hid in their deep shades the rich soil which the sun had never warmed. No axe had levelled the giant progeny of the crowded groves, in which the fantastic forms of withered limbs, that had been blasted and riven by lightning, contrasted strangely with the verdant freshness of a younger growth of branches. The wanton grape vine, seeming by its own power to have sprung from the earth and to have fastened its leafy coils on the top of the tallest forest tree, swung in the air with every breeze like the loosened shrouds of a ship. * * * Reptiles sported in stagnant pools, or crawled unharmed over piles of smouldering trees. The spotted deer crouched among the thickets; but not to hide, for there was no pursuer; and there were none but wild animals to crop the uncut herbage of the productive prairies."—Bancroft, *History of the United States*, vol. ii., pp. 266–268 (1st ed.). See also the description of the country, its inhabitants, etc., taken from DeLate's *New World*, in Jameson, *Narratives of New Netherland*, p. 36 et seq.; Lamb, *City of New York*, vol. i., p. 35 et seq.

* Roberts, *New York*, vol. i., p. 20.

† Or to a point where they came to "but seven feet of water and inconstant soundings" which was found "to be at an end for shipping to go in."—Roberts, *New York*, vol. i., p. 22. See also Lamb, *History of the City of New York*, vol. i., p. 30.

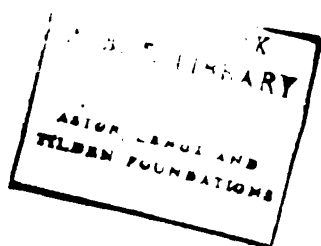
‡ See Cleveland, *Life of Henry Hudson*, chap. iv.

§ Bancroft's description of New York at that time is interesting: "Sombre forests shed a

* Thomas A. Janvier, *Henry Hudson*; Henry C. Murphy, *Henry Hudson in Holland*; John M.



THE LANDING OF HENRY HUDSON.



man who came to such an untimely end was a notable instance of the irony of human destiny. * * * In all that he attempted he failed, and yet he achieved great results that were not contemplated in his schemes. He started two immense industries, the Spitzbergen whale-fisheries and the Hudson Bay fur trade; and he brought the Dutch to Manhattan Island."*

Because of Hudson's discoveries, the Dutch East India Company now claimed the right to possess and occupy the lands contiguous to the Hudson, and in 1613 several vessels were sent out to open trade with the natives. For this purpose a number of fortified trading houses on the island of Manhattan were established† which constituted the nucleus of the present city of New York. Shortly after these trading posts were established, it is said that Argall, returning from his attack on the French settlements in New Eng-

land, entered the harbor and claimed the territory as a possession of the English king, and as the Dutch were too weak to dispute this claim they affected submission until his vessel was out of sight, when they reasserted their claim in the name of the Dutch East India Company. This statement is made by a number of historians and repeated by others, but lacks positive confirmation and is denied by the majority.*

Meanwhile, on October 11, 1614, the States-General offered to grant a monopoly of the trade for four years to any enterprising traders who would fit out an expedition to colonize, and an Amsterdam Company which later became the New Netherland Company, sent out five ships.† Among these adventurers was Adriaen Block who went up the East River, ran through "Hellegat" or Hell Gate, and traced the shores of Long Island and the coast of Connecticut as far as Cape Cod. In 1611 Hendrick Christaensen of Cleves confirmed Hudson's report regarding the fertility of the soil. Cornelis Jacobs May also sailed along the south side of Long Island and continued southward along the coast until he reached Delaware Bay which he explored. A few years later

Read, Jr., *Historical Inquiry concerning Henry Hudson*; B. F. Da Costa, *Sailing Directions of Henry Hudson*; Clifton Johnson, *The Picturesque Hudson* (1909); Edgar M. Bacon, *Henry Hudson, His Times and Voyages* (1907); the *Narratives* by Emanuel Metern and Robert Juet in J. F. Jameson, *Narratives of New Netherland*, pp. 6-8 (1909); Morris, *Discoverers and Explorers of America*, pp. 190-197; Asher, *Henry Hudson the Navigator*; Fiske, *Dutch and Quaker Colonies in America*, vol. i., pp. 80-95. See also the *New York Historical Collections*, 1st series, vol. i.

* Fiske, *Dutch and Quaker Colonies*, vol. i., p. 94 (copyright by Houghton, Mifflin & Co.).

† For the derivation of the name Manhattan see Beauchamp, *Indian Names in New York*, p. 45; cf. Brinton, *Lanapé-English Dictionary*, S. V. Menatey.

* See Brodhead, *History of the State of New York*, First Period, p. 54; Lamb, *City of New York*, vol. i., p. 38 note. Hildreth so states it, vol. i., p. 136.

† A translation of the charter is in *New York Colonial Documents*, vol. i., p. 11; also James Grant Wilson's *Memorial History of the City of New York*, vol. i., pp. 128-130.

(1620), the first Englishman to visit the Dutch, Thomas Dermer, arrived at Manhattan Island and explored the Long Island Sound. In 1615 a fort was erected on Manhattan Island and another (Fort Nassau) a few miles below Albany. These were intended, however, more as trading posts or as centres of traffic with the Indians than as permanent settlements.*

On June 3, 1621, after the Dutch East India Company had enjoyed its trade monopoly for three years, during which time its explorers had come in contact with the Mohawks, the easternmost of the Iroquois or Five Nations, and had succeeded in opening friendly relations with a number of other Indian tribes, the trading monopoly was transferred to the Dutch West India Company,† who were endowed for twenty-four years with the exclusive privilege of commercial relations with Africa and America, with the islands of the Pacific and with the undiscovered or uncertain lands in the southern oceans. The Dutch West India Com-

pany, which combined military with commercial operations, was divided into nine chambers, four of which were in Amsterdam, while one each was established in five of the principal Dutch cities. An Assembly of Nineteen was appointed as a Board of Directors to manage its affairs, and the Company devoted the most particular attention to making reprisals on Spanish commerce, purchasing slaves, the conquest of Brazil, etc.* The Amsterdam Company had charge of New Netherland, and in 1623 this Chamber sent two vessels under the command of May to New Netherland and he became its first director. He stayed on the island for only one year, but during his brief administration a fort was built on the Delaware and another on the Hudson on the site of the present city of Albany which was named Fort Orange, and which superseded the original Fort Nassau.† The following year, 1624, May returned to America in command of a vessel which contained a number of Walloons, who had been denied the privi-

* Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 96-107; Brodhead, vol. i., p. 55; Doyle, *The Middle Colonies*, p. 7 (1907); Roberts, *New York*, vol. i., pp. 26-27. In 1617 Fort Nassau was washed away by a freshet when the ice in the Hudson broke up. See Lamb, *City of New York*, vol. i., p. 43.

† The creation of this company really dated from 1617, but its concessions were not finally obtained until 1621. Its capital stock was originally 3,000,000 florins which was later increased to 7,200,000 florins. Morris, *History of Colonization*, vol. i., p. 349 *et seq.* For details regarding the formation of this company, see Fiske, vol. i., pp. 107-113. On the charter, see Doyle, *Middle Colonies*, p. 9 *et seq.*

* Roberts, *New York*, vol. i., pp. 31-33. Most historians, however, say the company was divided into five chambers. The first correct translation of the Dutch charter into English will be found in the *Van Rensselaer Bowier Manuscripts*, edited by A. J. F. Van Laer, pp. 86-115 (Albany, 1908). See also Thorpe, *Federal and State Constitutions*, vol. i., pp. 59-67; Hazard, *State Papers*, vol. i., pp. 121-131.

† *Journal of New Netherlands, Holland Documents*, vol. i., p. 181; Wassenaer's *Historisch Verhael*, in Jameson, *Narratives of New Netherland*, pp. 75-76; Lamb, *City of New York*, vol. i., p. 49.

lege of settling within the territory possessed by the Virginia Company. These Walloons were the first colonists to settle on Long Island and they established their homes on the north-west corner of the island at Waal-bogt — "Walloon's Bay" — now Wallabout.*

On May 4, 1626, a new director in the person of Peter Minuit arrived at Manhattan to direct the affairs of New Netherland, and immediately entered upon a vigorous performance of his duties. A council of five assisted the director and together they possessed all authority, their acts being subject only to the approval or rejection of the Company in Holland.† Manhattan Island was now purchased from the Indians for the value of 60 gilders, in beads, ribbons, buttons and other trinkets — about \$24‡ — and upon its southernmost point was built a warehouse surrounded by a palisade and called Fort Amsterdam. Staten Island was also purchased from the Indians. A warehouse was built and also a grist-mill, in the loft of which the people met for

Sunday worship.* Large farms were laid out in the meadows along the East River† and these were stocked with cattle, sheep, goats, swine and horses and planted with fruit trees and gardens. Soon after their arrival, the Dutch sent to Holland specimens of rye, wheat, flax, barley, etc., in proof of their assertions as to the fertility of the soil, and also sent specimens of peltries of all sorts and pieces of oak timber and hickory.‡

The fur trade had now reached an export value of about \$20,000 yearly, but as yet (up to 1627) the Dutch had not begun to make any actual colonization and settlement on the banks of the Hudson. They were content to have friendly intercourse with the English at Plymouth and to enjoy the profits of trade with the Indians in the interior. In March, 1627, Minuit wrote to Governor Bradford of Plymouth making suggestions regarding the trade of both colonies with the Indians. After further correspondence on the subject,|| Minuit sent Isaack de Rasières, secretary of the Dutch colony, to consult with Bradford concerning this matter. While

* See Putnam, *Origin of Breuckelen* in the *Half-Moon* series; Brodhead, vol. i., p. 155. On the attempts of the English to claim the territory see Fiske, *Dutch and Quaker Colonies*, vol. i., p. 113 *et seq.*

† Lamb, *City of New York*, vol. i., p. 54.

‡ As the purchasing power of gold dollars was then at least five times as great as at the present day, the purchase price was equivalent to not less than \$120. Since that time the value of the land and buildings has risen so enormously that in 1913 the assessed valuation of realty in Manhattan was over \$5,000,000,000.

* The site of this first house of Christian worship on Manhattan Island is 32-34 South William Street — Jameson, *Narratives of New Netherland*, pp. 83-84, and note p. 84.

† See the letter of Isaack de Rasières in Jameson, p. 104, which will also be found in *Collections of the New York Historical Society*, series ii., vol. ii., pp. 339-354.

‡ Jameson, pp. 82-83.

|| The correspondence will be found in the *Collections of the Massachusetts Historical Society*, vol. iii., pp. 51-57, *New York Historical Society Collections*, series ii., vol. i., pp. 355-360.

the New Englanders paid the ambassador every courtesy,* they did not fail to remind him with characteristic feeling on the subject that the English laid claim to the region now being occupied by the Dutch, and when the English thought they had established a just claim to anything, they were not likely to give it up either easily or graciously. Minuit reported this proceeding to the home government, and the States-General immediately sent him a command of 40 soldiers, the first standing army in the colonies. Charles I., however, settled this dispute for the time by proclaiming that the treaty of Southampton granted the Dutch freedom of trade with England and her dependencies, though he in no way recognized the Dutch title to New Netherland. Upon this basis the matter rested for some years.†

The Assembly of Nineteen had now drawn up a plan of colonization, and in 1629 the States-General was induced to accept it. This was known as the charter of "Privileges and Exemptions."‡ "Any member of the Company who might establish in any part of New Netherland, within

four years after notice of his intention, a colony of fifty persons upwards of fifteen years of age, was to be entitled, by the name of Patroon, to a grant of territory so occupied, sixteen miles in extent along the sea shore, or the bank of some navigable river, or eight miles where both banks were occupied, with an indefinite extent inland. The island of Manhattan and the fur trade with the Indians were expressly reserved to the Company; and upon all trade carried on by the patroons an acknowledgment of five per cent. was to be paid. These patroons were to extinguish the Indian title, and were to settle their lands with tenants, farmers having indentured servants the same with those in Virginia; but the feudal privileges reserved to the patroons, some traces of which still exist, present a marked difference between this Dutch scheme of settlement, and the free tenure of lands adopted in Virginia. Free settlers who emigrated at their own expense, were to be allowed as much land as they could cultivate, and settlers of every description were to be free of taxes for ten years. The colonists were forbidden to make any woollen, linen or cotton cloth, or to weave any other stuffs, on pain of being banished, and arbitrarily punished 'as perjurers,'—a regulation in the spirit of that colonial system adopted by all the nations of Europe, who sought to confine the colonists to the production of articles of export, and to keep them dependent upon the

* Lamb, *City of New York*, vol. i., p. 58.

† Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 123-125; Bancroft, vol. i., p. 496.

‡ The Dutch text of this charter with an English translation will be found in van Laer's edition of the *Van Rensselaer Bowier Manuscripts*, pp. 136-153. English translations will also be found in *N. Y. Col. Docs.*, vol. ii., pp. 553-557; in O'Callaghan, *History of New Netherland*, vol. i., pp. 112-120; and in Jameson, *Narratives of New Netherland*, pp. 90-96. See Appendix to this chapter.

mother country for the most necessary manufactures.”*

The scheme proposed by the Assembly of Nineteen met with almost universal favor; sites were selected and purchased by Samuel Godyn and Samuel Blommaert on Delaware Bay, and Michael Paauw also purchased a tract of land on the west bank of the Hudson opposite Manhattan island. The land selected by the two first mentioned was called Swaanendael and the tract which was purchased by Paauw was called Pavonia. Some lands in the vicinity of Fort Orange were now purchased by the agents of Kiliaen Van Rensselaer, and this tract, 24 miles long and 48 miles broad, was named Rensselaerwyck. In 1630 Captain David Pieters De Vries brought over a small company of settlers and established a post at Swansdale, where the town of Lewiston now stands, and some houses were also put up in Rensselaerwyck and Pavonia.†

The trading privileges, however, soon caused a dispute between the patroons and the Company, and in 1632, as Minuit was accused of having favored the claims of the patroons, he was recalled.‡ With a cargo of

furs he started home, but a storm compelled him to put into Plymouth harbor, and there he was detained as being an interloper on English territory in America. This reopened the old discussion between England and Holland regarding the Dutch title to New Netherland, England insisting upon her right to the territory. But King Charles had so many embarrassing disputes on his hands at this time that he did not care to entertain another, especially as it was an English sovereign (Queen Elizabeth) who had announced the doctrine that the mere discovery of a wild land, unless followed by occupation, was not enough to establish indisputable ownership of it. Therefore, after being detained for over two months, Minuit was allowed to proceed on his way.* In December, 1632, De Vries, who had in the meantime returned to Holland, once again came to New Netherland bringing supplies for his little colony at Swansdale, but upon his arrival he found that during his absence the Indians had completely destroyed the settlement and not a living being was there. De Vries, therefore, abandoned the settlement and established another on Staten Island.† He also placed some of his settlers in a town up the Hudson which he called Vriesandael.‡

* Hildreth, *History of the United States*, vol. ii., p. 142. See also Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 127-137; Bancroft, vol. i., p. 497 *et seq.*; Lamb, *City of New York*, vol. i., pp. 59-60.

† Fiske, vol. i., pp. 138-140; Bancroft, vol. i., pp. 498-499; Roberts, *New York*, vol. i., pp. 39-41; Lamb, vol. i., p. 60 *et seq.*

‡ Brodhead, vol. i., p. 213.

* Fiske, vol. i., pp. 140-143.

† Bancroft, vol. i., p. 500; Doyle, *Middle Colonies*, pp. 57-58.

‡ The notes of De Vries regarding his trips to America will be found in *Collections of the New York Historical Society*, series ii., vol. iii., p. 1-

In 1633 Wouter Van Twiller was appointed to the governorship of New Netherland as the successor of Minuit. He owed his appointment chiefly to family influence* as he had few or no qualifications for the post of director-general.† Among the 100 soldiers whom Van Twiller brought with him were a school master, Adam Roeland- sen, and a clergyman, Everardus Bogardus.‡ The principal object of the Dutch, however, was trade, which nearly twenty years before had been commenced with the Indians by Block who had ascended the Connecticut River. As this trade had increased in

importance and become extremely valuable, the Dutch in 1633 purchased a tract of land from the Pequots on the west bank of the Connecticut, near the site of the present city of Hartford. There they built a trading house fortified with two cannon and named it the House of Good Hope.* Soon afterward, however, Winthrop, the governor of Plymouth, sent a small vessel from Boston with a letter to Van Twiller in which he reasserted the claims of England and expressed great surprise that the Dutch had taken possession of the territory on the Connecticut. The people of Plymouth also at this time took steps to establish a post on the Connecticut, and when Van Twiller at the head of a company of 70 soldiers endeavored to drive them out, the New Englanders stoutly resisted and finally forced the Dutch to withdraw without making a trial of arms.†

Van Twiller was extremely zealous in his efforts to improve the city of New Amsterdam; in 1634 a church was erected and also mills, lime and brick yards, a brewery, barracks for the soldiers, etc.; but the disputes with the patroons proved a serious hindrance to the advancement of the colony. In order to put an end to such controversies, it was determined to buy up the patroonships, and Swansdale was therefore sold back

129, and in Jameson, *Narratives of New Netherland*, pp. 156-235, those parts relating directly to his settlement on Staten Island being on p. 196 *et seq.*

* Lamb, *City of New York*, vol. i., p. 66.

† Diedrich Knickerbocker's description of Van Twiller is too good a caricature to pass without quoting. After determining that the surname Twiller meant "Doubter" he says: "He was exactly five feet six inches in height, and six feet five inches in circumference. His head was a perfect sphere, and of such stupendous dimensions, that Dame Nature, with all her sex's ingenuity, would have been puzzled to construct a neck capable of supporting it; wherefore, she wisely declined the attempt, and settled it firmly on the top of his backbone, just between the shoulders. * * * His legs were short, but sturdy in proportion to the weight they had to sustain; so that when erect he had not a little the appearance of a beer-barrel on skids. His face, that inflexible index of the mind, presented a vast expanse, unfurrowed by any of those lines which disfigure the human countenance with what is termed expression. * * * His habits were regular. He daily took his four stated meals, appropriating exactly an hour to each; he smoked and doubted eight hours, and he slept the remaining twelve of the four and twenty."

‡ Roberts, *New York*, vol. i., p. 43; Lamb, vol. i., p. 71 *et seq.*

* Lamb, vol. i., p. 74.

† Fiske, *Dutch and Quaker Colonies*, vol. i., p. 147 *et seq.*; Lamb, vol. i., pp. 74-75.

to the Company for about \$6,000. Furthermore, the New Englanders were gradually crowding the Dutch out of the Connecticut territory, and in 1635 an attempt was made by a party from Plymouth to surprise Fort Nassau on the Delaware, but Van Twiller sent a force against the English, dislodged them and brought them captives to New Amsterdam.* Having an eye to his own interests, Van Twiller secured several valuable tracts of land on Long Island and other small islands in the immediate vicinity, but shortly afterward complaints were made against him to the home Company by Lubbertus Van Dincklagen, late Schout-fiscal at New Amsterdam, and in 1635 Van Twiller was recalled. In March of the next year, William Kieft was sent out to succeed him.†

In addition to being pushed back by the New Englanders from the Connecticut territory, the Dutch now found that they had competitors in Delaware Bay in the persons of the Swedes. The advantages of colonizing in America had early appealed to Gustavus Adolphus, and in 1627 under his auspices and at the instigation

of William Usselinx,* a commercial company, known as the Company of the South Seas, was incorporated for this purpose.† But in 1632 Adolphus was killed at the battle of Lutzen and at about this time the German war broke out, and this combination of events effectually put a stop to any colonization schemes for some years. In 1633, however, the chancellor, Oxenstierna, renewed the patent of the Company of the South Seas under the title of the "New South Company," but again the fitting out of an expedition was delayed and it was not until 1637 that one started. In command of this expedition was Minuit, the former director of New Netherland.‡ With two vessels containing 50 men he entered Delaware Bay, in 1638 purchased some land near the head of the bay from the Indians, and there erected a fort which he named Christina, in honor of the queen of Sweden. This fort was on the site of the present City of Wilmington.|| Kieft, the Dutch governor, strongly protested against this intrusion§ but to little purpose, and as it was considered unwise to open hostilities against the Swedes, he de-

* Lamb, p. 76.

† Roberts, *New York*, vol. i., pp. 49-51. See also Asher, *Bibliography of New Netherland and the Dutch West India Company* (1856-7); Dunlap, *History of the New Netherlands Province of New York*; William E. Griffis, *The Story of New Netherland* (1909); O'Callaghan, *New Netherlands*; Esther Singleton, *Dutch New York*, Fiske, vol. i., pp. 158-166.

* For the life of this man see the monograph by Jameson, in *Papers of the American Historical Association*, vol. ii.

† Bancroft, vol. i., pp. 501-502.

‡ Minuit's letter offering to conduct colonists to the New World is given in Winsor's *Narrative and Critical History*, vol. iv., p. 445, note 2.

|| Doyle, *Middle Colonies*, p. 58.

§ N. Y. Col. Docs., vol. xii., p. 19; Lamb, *City of New York*, vol. i., p. 88.

sisted. In the summer of 1641, Minit died and was succeeded by Peter Hollaendaer, who continued in office for a year and a half at the end of which time he returned to Sweden. His place was filled for the next eight years by John Printz. In 1642 the Swedish Company was enlarged, more capital was subscribed, and a monopoly of the tobacco trade with Sweden and Finland was granted.* Emigration continued to increase for several years.

In addition to enforcing the laws in the colony, attending to the religious welfare of the colonists, making treaties with the Indians and cultivating their friendship, Printz was instructed to foster all the native American industries, to introduce such European industries as he thought would flourish in America, and to ascertain if silk and wine could be produced in commercial quantities, to endeavor to extract salt from sea water, to locate the minerals of the country and to give special attention to tobacco growing, for which some convicts were sent over, and above all to maintain the supremacy of Swedish arms in the colony.†

More colonists and more soldiers

were sent out by the home government, and soon Printz had erected two forts, one near the mouth of the bay at Varcken's Kill or Salem Creek (in what is now New Jersey) and the other at the mouth of the Schuylkill, near Philadelphia.* He also increased the defenses of Christina. Thus he was enabled to collect a substantial tribute from all vessels which desired to trade within the bay. The Swedes erected stations far into the Minquas' country, establishing a large trade in furs, and thus the colony prospered. Their farms were highly productive and their herds of cattle gradually increased in number. They also manufactured wine, beer or brandy out of sassafras, persimmons, corn, etc. Thus the Swedes had occupied Pennsylvania long before Penn became proprietary, and the banks of the Delaware from the ocean to the falls near Princeton were known as New Sweden. The Swedes, however, refused to join the Dutch in their attempts to keep out the English, as they had little in common with the Dutch, and all who came within the Swedish territory were either driven out or compelled to submit to Swedish authority.

* *N. Y. Col. Docs.*, vol. xii., p. 21.

† Doyle, *Middle Colonies*, p. 60.

* Bancroft, vol. i., p. 503; *N. Y. Hist. Coll.*, 2d series, vol. i., pp. 428-429.

APPENDIX TO CHAPTER IV.

Privileges and Exemptions for Patroons, Masters and Private Individuals, who will Settle any Colonies and Cattle in New Netherland, resolved upon for the Service of the General West India Company in New Netherland, and for the Benefit of the Patroons, Masters and Individuals.*

I. Such participants in the said Company as may be inclined to settle any colonies in New Netherland, shall be permitted to send in the ships of this Company going thither, three or four persons to inspect the situation of the country, provided that they, with the officers and ship's company, swear to the articles, so far as they relate to them, and pay for provisions and for passage, going and coming, six stivers per diem (and such as desire to eat in the cabin, twelve stivers); and undertake to be subordinate and give assistance like others, in cases offensive and defensive; and if any ships be taken from the enemy, they shall receive, pro rata, their proportions with the ship's company, each according to his quality; that is to say, the colonists eating out of the cabin shall be rated with the sailors, and those who eat in the cabin with those of the Company's people who eat at table and receive the lowest wages.

II. Nevertheless in this respect shall be preferred such persons as have first appeared and desired the same from the Company.

III. All such shall be acknowledged patroons of New Netherland who shall undertake, within the space of four years next after they have given notice to any of the chambers of the Company here, or to the commander or council there, to plant a colony there of fifty souls, upwards of fifteen years old; one-fourth part within one year, and within three years after the sending of the first, making together four years, the remainder, to the full number of fifty persons, to be shipped from hence, on pain, in case of manifest neglect, of being deprived of the privileges obtained; but it is to be observed that the Company reserve the island of the Manhattes to themselves.

IV. They shall, from the time they make known the situation of the places where they propose to settle colonies, have the preference over all others of the absolute property of such lands as they have there chosen; but in case the situation should not afterwards please them, or they should have been deceived in the selecting of the land,

they may, after remonstrating concerning the same to the commander and council there, be at liberty to choose another place.

V. The patroons, by their agents, shall and may be permitted, at such places as they shall settle their colonies, to extend their limits four leagues along the shore, or on one side of a navigable river, or two leagues on each side of a river, and so far into the country as the situation of the occupiers shall permit; it being understood that the Company keep to themselves the lands lying and remaining between the limits of colonies, to dispose thereof, when and at such time as they shall think proper, in such manner, however, that no person shall be allowed to come within seven or eight leagues of them without their consent, unless the situation of the land thereabout be such that the commander and council, for good reasons, should order otherwise; always observing that the first occupiers are not to be prejudiced in the right they have obtained, except in case the service of the Company should require it, for the building of fortifications, or something of that sort; the command of each bay, river or island (apart from such exceptions), belonging to the first settled colony, under the supreme jurisdiction of their High Mightinesses the States General and the Company: that the colonies subsequently settled on the same river or island may appoint one or more deputies to join with the first in considering what may be necessary for the prosperity of the colonies on the said river and island.

VI. They shall forever possess and enjoy all the lands lying within the aforesaid limits, together with the fruits, crops, minerals, rivers and fountains thereof; as also the high, middle and low jurisdictions, fisheries, fowling and grinding, to the exclusion of all others, to be holden from the Company as a perpetual inheritance, without its ever devolving again to the Company, and in case it should devolve, to be redeemed and repurchased with twenty guilders per colony, to be paid to this Company, at the chamber here or to their commander there, within a year and six weeks after the same occurs, each at the chamber where he originally sailed from; provided further, that no person or persons what-

* From Jameson, *Narratives of New Netherland*, pp. 90-96 (copyright by Charles Scribner's Sons).

soever shall be privileged to fish and hunt but the patroons and such as they shall permit. And in case any one should in time prosper so much as to found one or more towns, he shall have power and authority to establish officers and magistrates there, and to make use of the title of his colony, according to his pleasure and to the quality of the persons.

VII. There shall likewise be granted to all patroons who shall desire the same, *venia testandi*, or liberty to dispose of their aforesaid heritage by testament.

VIII. The patroons may make use of all lands, rivers and woods lying contiguous to their property, until this Company, or other patroons or private persons, shall take possession of them.

IX. Those who shall send persons over to settle colonies shall furnish them with proper instructions in order that they may be ruled and governed conformably to the rule of government made, or to be made, by the Board of the Nine-teen, as well in the political as in the judicial government; which instructions they shall be obliged first to lay before the directors of the respective chambers.

X. The patroons and colonists shall be privileged to send all their people and effects thither in ships belonging to the Company, provided they take the oath, and pay the Company for bringing over the people, as mentioned in the first article; and for freight of the goods, five per cent ready money, to be reckoned on the prime cost of the goods here, in which are, however, not to be included such cattle and implements as are necessary for the cultivation and improvement of the lands, which the Company are to carry over for nothing, if there is room in their ships. But the patroons shall, at their own expense, provide and make places for them, together with everything necessary for the support of the cattle.

XI. But in case it should not suit the Company to send any ships, or there should be no room in those sailing thither, then in such case the said patroons, after having communicated their intentions, and after having obtained consent from the Company in writing, may send their own ships or vessels thither; provided that, in going or coming, they go not out of their ordinary course, giving security to the Company for the same and taking on board an assistant, to be victualled by the patroons, and paid his monthly wages by the Company, on pain, for doing the contrary, of forfeiting all the right and property they have obtained to the colony.

XII. And inasmuch as it is the intention of the Company to people the island of the Man-

hattes first, all fruits and wares that are produced on the North River and lands lying thereabout shall, for the present, be brought there before being sent elsewhere, excepting such as are, from their nature, unnecessary there, or such as cannot, without great loss to the owners thereof, be brought there; in which case the owners thereof shall be obliged to give timely notice in writing of the difficulty attending the same to the Company here, or the commander and council there, that provision may be made in respect to them as the necessity thereof shall be found to require.

XIII. All patroons of the colonies in New Netherland, and also colonies on the island of the Manhattes shall be at liberty to sail and traffic all along the coast, from Florida to Newfoundland, provided that they do again return with all such goods as they shall get in trade to the island of the Manhattes, and pay five per cent duty to the Company, in order that, if possible, after the necessary inventory of the goods shipped be taken, the same may be sent hither. And if it should so happen that they could not return, by reason of contrary currents or otherwise, in such case such goods shall not be brought to any other place but to these dominions, in order that, under the inspection of the directors, at the place where they may arrive, they may be unladen, an inventory made, and the aforesaid duty of five per cent paid to the company here, on pain, if they do the contrary, of the forfeiture of their goods so trafficked for, or the true value thereof.

XIV. In case the ships of the patroons, in going to, or coming from, or sailing on the coast from Florida to Newfoundland, and no further, within the bounds of our grant, should overpower any prizes of the enemy, they shall be obliged to bring, or cause to be brought, such prize to the chamber of the place from whence they sailed out, in order that that chamber may obtain its profits from it; the Company shall keep the one-third part thereof, and the remaining two-thirds shall belong to them, in consideration of the cost and risk they have been at, all according to the orders of the Company.

XV. It shall be also free for the aforesaid patroons to traffic and trade all along the coast of New Netherland and places circumjacent, with such goods as they have acquired there, and receive in return for them all sorts of merchandise that may be had there, except beavers, otters, minks, and all sorts of peltry, which trade the Company reserve to themselves. But the same shall be permitted at such places where the Com-

pany have no factories, on condition that such traders shall be obliged to bring all the peltry they may obtain to the island of the Manhattes, if it is at all practicable, and there deliver to the Director, to be by him shipped hither with the ships and goods; or, if they should come here without going there, then to unload them with notice to the Company, and the making of a proper inventory, in order that they may pay to the Company one guilder for each merchantable beaver and otter skin; the retailing, risk and all other charges remaining on the account of the patroons or owners.

XVI. All coarse wares that the colonists of the patroons there shall produce, such as pitch, tar, potash, wood, grain, fish, salt, limestone and such like things, shall be conveyed in the Company's ships at the rate of eighteen guilders per last, four thousand weight to be accounted a last; and the Company's ship's crews shall be obliged to wheel and bring the salt on board, whereof ten lasts make a hundred. And, in case of the lack of ships, or of room in the ships, they may order it over, at their own cost, in ships of their own, and enjoy in these dominions such liberties and benefits as have been granted to the Company; but in either case they shall be obliged to pay, over and above the duty of five per cent, eighteen guilders for each hundred of salt that is carried over in the Company's ships.

XVII. For all wares which are not mentioned in the foregoing article, and which are not carried by the last, there shall be paid one dollar for each hundred pounds weight; and for wines, brandies, verjuice and vinegar, there shall be paid eighteen guilders per cask.

XVIII. The Company promises the colonists of the patroons that they shall be free from customs, tolls, excise, imposts or any other contributions for the space of ten years; and after the expiration of the said ten years, at the highest, such customs as the goods pay here at the present time.

XIX. That they will not take from the service of the patroons any of their colonists, either man or woman, son or daughter, man-servant or maid-servant; and, though any of these should desire the same, they will not receive them, much less permit them to leave their patroons, and enter into the service of another, unless on consent obtained from their patroons in writing, and this for and during so many years as they are bound to their patroons; after the expiration whereof, it shall be in the power of the patroons to send hither all such colonists as will not continue in their service, and not to set them at liberty until

then. And any colonist who shall enter into the service of another patroon, or shall, contrary to his contract, betake himself to freedom, we promise to do everything in our power to deliver the same into the hands of his patroon or attorney, that he may be proceeded against according to the customs of this country, as occasion may require.

XX. From all judgments given by the courts of the patroons for upwards of fifty guilders, there may be an appeal to the Company's commander and council in New Netherland.

XXI. In regard to such private persons as on their own account or others in the service of their masters here in less numbers than in case of patroons, shall be inclined to go thither and settle, they shall, with the approbation of the Director and Council there, be at liberty to take up and take possession of as much land as they shall be able properly to improve, and shall enjoy the same in full property either for themselves or masters.

XXII. They shall have free liberty of hunting and fowling as well by water as by land, generally, in public and private woods and rivers about their colonies, according to the orders of the Director and Council.

XXIII. Whosoever, whether colonists of patroons for their patroons, or free persons for themselves, or others for their masters, shall discover any shores, bays or other fit places for erecting fisheries, or the making of salt ponds, they may take possession thereof, and begin to work on them as their own absolute property, to the exclusion of all others. And it is permitted that the patroons of colonists may send ships along the coast of New Netherland, on the cod fishery, and with the fish they catch may trade direct to Italy or other neutral countries, paying in such cases to the Company a duty of six guilders per last; and if they should come with their lading hither, they shall be at liberty, though they shall not, under pretext of this consent, or leave from the Company, carry any other goods to Italy on pain of punishment, at discretion, the Company being furthermore at liberty to put a supercargo on board each ship, as in the eleventh article.

XXIV. In case any of the colonists shall, by his industry and diligence, discover any minerals, precious stones, crystals, marbles or such like, or any pearl fisheries, the same shall be and remain the property of the patroon or patroons of such colony, the discoverer being assigned such premium as the patroon shall beforehand have stipulated with his colonists by contract. And

the patroons shall be exempt from the payment of duty to the Company for the term of eight years, and pay only for freight, to bring them over, two per cent, and after the expiration of the aforesaid eight years, for duty and freight, the one-eighth part of what the same may be worth.

XXV. The Company shall take all the colonists, as well free as those that are in service, under their protection, and them defend against all foreign and domestic wars and violence, with the forces they have there, as much as lies in their power.

XXVI. Whosoever shall settle any colony out of the limits of the Manhattes island, shall be obliged to satisfy the Indians for the land they shall settle upon, and they may extend or enlarge the limits of their colonies if they settle a proportionate number of colonists thereon.

XXVII. The patroons and colonists shall in particular, and in the speediest manner, endeavor to find out ways and means whereby they may support a minister and schoolmaster, that the service of God and zeal for religion may not be neglected among them, and they shall, at the first, provide a comforter of the sick there.

XXVIII. The colonies that shall happen to lie on the respective rivers or islands (that is to say, each river or island for itself), shall be at liberty to appoint a deputy, who shall give information to the commander and council of that region, and further the interests of his colony, of which deputies there shall be one changed in every two years; and all colonies shall be obliged, at least once in every twelve months, to make exact report of their condition and of the lands thereabout to the commander and council there.

XXIX. The colonists shall not be permitted to make any woolen, linen or cotton cloth, nor weave any other stuffs there, on pain of being banished, and as perjurers, to be punished, at discretion.

XXX. The Company shall use their endeavors to supply the colonists with as many blacks as they can, on conditions hereafter to be made, in such manner, however, that they shall not be bound or held to do it for a longer time than they shall think proper.

XXXI. The Company promise to finish the fort on the island of the Manhattes as soon as possible, and to put it in a posture of defence; and to cause these Privileges and Exemptions to be approved and confirmed by their High Mightinesses the Lords States General.

CHAPTER V.

1620-1631.

THE FOUNDING AND SETTLEMENT OF NEW ENGLAND.

The Reformation creates dissensions in religious bodies — Its inception — Jealousy of the power of the Pope — Power of the Pope transferred to king — Changes in church doctrines — Reforms under Edward VI. — Political shrewdness of Elizabeth — Intolerance of James I. — Differences in the doctrines of two church parties — Dispute becomes bitter — Internal dissensions among Puritans — The Brownists — Congregation established at Amsterdam — Robinson's congregation emigrates to Holland — Removal to Leyden — Desire to emigrate to America — The "Leyden Articles" — Patent granted to Brewster — Its terms — Embark for Southampton — *Mayflower* sails — The *Mayflower* compact — Landing at Plymouth — Suffering and death during winter — Intercourse with Indians — Carver and Bradford governors — Weston settles at Wessagusset — Standish attacks Indians — Robinson's letter — Gorges attempts to settle Maine — Lygonia grant — Settlements established — Laconia Company — Progress at Plymouth — Other settlements — Massachusetts Bay Colony — Endicott expels the Brownes — Change in charter — Winthrop governor — Boston and other towns founded — Deaths among colonists — Attempt to establish a theocracy — Influence of the clergy. Appendix to Chapter V. — I. Charter of New England, 1620; II. Grant of the Province of Maine to Gorges, 1622; III. Charter of New Plymouth granted to Bradford; IV. Charter of Massachusetts Bay, 1629.

The early history and progress of New England are of peculiar interest and importance to the nation because of the prominent position taken by that section of the country among the

English colonies in America and the influence which it has always exerted in American affairs. Before we consider the actual settling of the territory, however, it is necessary that we

inquire with some care into a number of matters antecedent to the landing of the Pilgrims in New England. The Reformation during the Sixteenth century naturally gave rise to a large number of religious opinions and also to many differences and disputes. The preaching and labors of such men as Martin Luther, Ulrich Zwingli, John Calvin and other prominent reformers, in conjunction with the vast effect produced throughout the civilized world by the art of printing, the revival of learning in Europe and the free use of the Scripture in the vernacular, tended to instill into the minds of men opinions and sentiments on religious topics which were not altogether accordant, and adopted practices and views of the meaning of the Holy Scripture which created much controversy and ultimately resulted in the disruption of numerous religious bodies. The dissensions on these topics produced a remarkable situation in the very earliest days of Protestantism.

The Reformation in England, however, was marked by other peculiarities which were almost certain to produce strong feelings on both sides, and these peculiarities led to the formation of religious parties and sects which strenuously advocated the respective views held by each. The Reformation in England had its inception in a personal and political quarrel between Henry VIII. and the Pope, and was not therefore chiefly a religious movement. Henry VII. had

based the Tudor throne upon the interests of the commercial classes, but his son Henry VIII. (reigned 1509-1547) appealed to national feeling against a universal Papacy, and to lay impatience of ecclesiastical control, though he did not appreciate either grievance until his own personal will had been crossed by the Pope and Church. A few years after he had ascended the throne, Henry feared a recrudescence of the struggle for the crown if Queen Catherine of Aragon had no issue, and as early as 1514 rumors of a royal divorce were circulated if the queen remained barren. The queen, however, soon presented the Princess Mary. Though satisfied for a time, Henry desired a son as heir to the throne, and as none arrived, he again became desirous of a divorce, which Pope Clement VII. refused to grant.

For some time the Church had been growing less and less popular, though it was not its ritual or its dogmas that created the dissatisfaction, but the privileges, the perquisites and the power of the Church. The laity were Catholic and did not object to persecution except by priests; they desired to control the penal machine and envied the Church her wealth. They were utilitarian and commercial, and could not conceive wherein lay the advantages in vast endowments for the training of future monks who would be non-productive or in having so many holy days on which the pursuit of wealth was prohibited. In

addition, the Pope was coming to be viewed as a foreigner who had no right to interfere with political matters and as at this time he was especially regarded as being the tool of a national enemy (Spain), the sentimental grievance against him was much aggravated. In 1529 Henry took his first step in the revolt against Papacy by dismissing his ecclesiastical ministers and substituting laymen in their positions, thus gaining the favor of Parliament, and both he and Parliament vied with each other in instituting measures to reform the Church, in the sense of reducing its power. As the foundation of that power was the Papacy which was beyond national control and as the English Church could not be curbed until that independent authority was excluded from control, Henry VIII. decided that, for the good of the country, the control should be vested in the national state. Acts of Annates, Appeals, and Supremacy were therefore passed by which the financial and jurisdictional rights of the Pope over the Church in England were transferred to the king, and the Church then became the Church *of* not *in* England. Henry made little change in the Church doctrine, however, though the denial of purgatory in 1536 cut deep at the root of Catholicism, and there were indications of further changes in 1546-47. But Henry remained essentially a Roman Catholic throughout his life, and the general impression was that he

simply destroyed the Pope, not Popery.

Edward VI., who ascended the throne in 1547 upon Henry's death, died young, but during his reign many reforms in doctrine were made by his ministers under the leadership of Protector Somerset and Northumberland. Under Somerset in 1549 the changes were represented by the First Act of Uniformity and the First Book of Common Prayer, which were extremely liberal and moderate compromises. Northumberland played for the support of the extreme Protestants, who desired to exclude the Catholic Mary from the throne, and under him in 1552 Catholicism was completely excluded by the Second Act of Uniformity and the Second Book of Common Prayer. But the very harshness and violence of Northumberland's rule was the undoing of Protestantism for the time being, and when Mary ascended the throne in 1553, Catholicism again assumed its previous power. But again the reaction overreached itself and the intolerable persecutions under Mary, culminating in the burning of Thomas Cranmer, Archbishop of Canterbury, and other prominent Protestants at the stake in 1555-56, the like of which had never before been seen in England, rehabilitated rather than discredited the Reformation, and Protestantism grew under the persecution, which was only ended by Mary's death in 1558.

Elizabeth, Mary's successor, possessed a large share of her father's imperiousness, and her energy and ability were probably unsurpassed by any monarch who had up to that time guided the destinies of England. She was purely a *politique* — possessed great political shrewdness but little religious interest, and her chief desire was to make religious questions subservient to political problems. While Elizabeth granted every advantage and dignity to the Established Church, and while she was opposed to Popery, her political shrewdness would not allow her to alienate her Catholic subjects by permitting them to be persecuted by the Protestants. On the other hand, she had no love for the bold stern simplicity of the Puritanical worship, and was sagacious enough to see the inevitable tendency of the doctrines set forth and maintained by the Puritans. Consequently, she allowed little leeway to those who pleaded further reformation and greater liberty. Above all else, she resolved to be supreme governor of the Church and was indisposed to tolerate non-conformity to those doctrines which to her and her advisers seemed good and proper in Church and State. Elizabeth therefore persecuted Puritans and Catholics alike, and these religious persecutions did not stop until the Church practically abandoned politics and the State theology. But Elizabeth was not able to prevent the growing spirit of dissent, even with the as-

sistance of Whitgift, archbishop of Canterbury, who was both able and willing to aid the queen in her efforts to enforce conformity under severe penalties. Several religious parties were now born. The Independents desired the complete separation of Church and State and the independence of the local congregation; others desired only to purify the form of ceremonies of the Church; and the Presbyterians desired one State Church organized after the model of the New Testament churches which they thought Presbyterian. But Elizabeth died before the controversy was settled and it was handed down to the Stuarts.

James I. was bred in the Presbyterian faith, but he was intolerant against dissenters from his wishes and opinions, whether in Church or State, and as the free opinions of the Puritans conflicted with his coveted desire to obtain the absolute irresponsible exercise of power in Church and State, he naturally conceived an intense hatred for them and their tenets. He also opposed all attempts to foist the Calvinistic system of church dogma and ritual upon the English Church. There were several particulars in which the doctrines and beliefs of the two parties differed. The Puritans claimed that the Bible was sufficient in itself as a guide to moral and religious conduct, while the Churchmen, admitting this, said that deference should also be paid to the testimony and practice of the primi-

tive Church and the decisions of the first few General Councils. The Churchmen respected primitive tradition and the doctrines of the ancient fathers at which the Puritans scoffed, calling it superstition and a remnant of Popery. The latter tried to effect a reformation of the same extent to which the continental reformation had been carried, but the clergy and bishops of the Established Church strenuously opposed it. They held Episcopacy to be of divine origin and perpetual obligation; they desired to retain the ceremonies as being in the interest of truth and righteousness, and useful and edifying, but refused to allow anyone to officiate in the Church unless ordained by a bishop; but the Puritans claimed that the ceremonies marred the purity and simplicity of the Gospel and denied that it was necessary first to receive orders by the laying on of a bishop's hand before preaching the Gospel and administering the sacraments.

Not unexpectedly, therefore, the dispute gradually became more and more bitter, and as King James was, like Elizabeth, a *politique*, he decided that his interests would be best conserved by gaining the Establishment as an ally, their doctrines being peculiarly adapted to the furtherance of his plans for acquiring the kingly prerogative. While the Puritans were loyal to the king, they contended for a larger liberty and a greater toleration than their age was prepared to allow, and they soon became known

as being in opposition to the king. This opposition became more noticeable as their views gradually developed and took political form, because the government endeavored to enforce conformity by stringent and oppressive legislation.*

* This very brief resumé of the Reformation in England can of necessity give only the slightest indication of the vast changes of thought that occurred during the century. The reader should, in order more thoroughly to understand the times, consult works which cover the entire field both thoroughly and carefully, such as Bishop Spaulding, *The Protestant Reformation*; Fisher, *History of the Reformation* (1893); Gardiner, *The Puritan Revolution*; Newman, *Manual of Church History* (1903); Walker, *The Reformation* (1900); Eggleston, "The Rise and Development of Puritanism," in his *Beginners of a Nation*, pp. 98-140; the Church histories by Fuller, Heylyn, Burnet and Dixon; Burch, *England under the Tudors*; the volumes by Gairdner and Frere in Hunt and Stephens, *Church History*; Gairdner, *Henry VII.*; Bacon, *Henry VII.*; histories of England by Lingard (1854-55); Froude (1870); and Green (1879 and 1884); J. S. Brewer, *History of the Reign of Henry VIII. to the Death of Wolsey* (1884); Froude, *The Divorce of Catherine of Aragon* (1891); A. F. Pollard, *Henry VIII., England under Protector Somerset, and Cranmer*; Mason, *Thomas Cranmer* (1898); Todd, *Cranmer* (1861); Hook, *Thomas Cranmer, in Lives of the Archbishops* (1868); Creighton, *Wolsey and Queen Elizabeth*; *Lives of Wolsey* by Cavendish (1641), G. Howard (1824), C. Martin (1862) and Taunton (1900); Gasquet, *The Eve of the Reformation* (1892); Gairdner, *The Fall of Cardinal Wolsey*, in *Transactions of the Royal Historical Society* (1899); Gairdner's article in the *Dictionary of National Biography*; Stone, *Mary I., Queen of England*; the life of Mary by Strickland in *Lives of the Queens of England* (new ed. 1864-65); Jessop, *Queen Elizabeth*, in *Dictionary of National Biography*; Beesley, *Queen Elizabeth*; Cambden, *History of Queen Elizabeth* (1622); Wright, *Queen Elizabeth and Her Times* (1838); A. B. Hinds, *The England of Elizabeth*; Corbett, *Drake and the Tudor Navy, and Successors of Drake*; D'Ewes, *Journals of All the Parliaments of the Reign of Queen Elizabeth* (1682); Bruce (ed.) *Letters of Elizabeth and James VI.* (1849);

Nevertheless, the Puritans, notwithstanding the hardships of their position, were divided among themselves. Some desired to remain in the Church of England to effect a more complete reformation, but others, repudiating alike the Episcopal and Presbyterian systems, contended that the differing congregations of believers should be absolutely separate and independent and that they had the right, in themselves and unrestricted by any human authority, to frame a form of Church government such as they deemed would conform to the Scripture.* The former body were called Non-Conformists, while the latter section of the Puritan party was termed Separatists or Independents, though it had also become known as Brownists, from the

name of one of their leaders, Robert Brown. This body still continued to exist in the north of England, but because of severe measures on the part of the government many of them had fled to Holland where they established a Congregational Church at Amsterdam, in the hope that there they would be allowed to worship as they saw fit.* Those who remained in England banded together under the leadership of Elder William Brewster, who occupied a large mansion at Scrooby, in Yorkshire, belonging to the bishop of York. Among the congregation of the church established by Brewster was William Bradford, afterward governor of New Plymouth, and John Robinson was invited to become pastor.†

The position of those who remained in England was not of the best, however, and Robinson's congregation therefore decided that they would follow the example of the others and emigrate to Holland. Bradford speaks much of the oppressions to which they had been subjected, both ministers and people, and there can be little doubt but that attempts were about to be made to put down the church. Whatever these attempts might be, they would be construed into acts of ecclesiastical oppression by those who deemed the maintenance

Strickland, *Life of Elizabeth*, in *Lives of the Queens of England*; Samuel Hopkins, *The Puritans and Queen Elizabeth*; R. Gardner, *The First Two Stuarts* (1876), and *History of England from the Accession of James I., to the Spanish Marriage* (1863-69); Aikens, *Memoirs of the Court of King James the First* (1822).

* "There was gradually developed among the Puritans a sect or division which boldly pushed the questions at issue to their ultimate and legitimate solutions; which threw off all connection with the Established Church, rejected alike the surplice and the bishops, the Prayer-Book and the ceremonies, and, resting upon the Bible, sought no less than to restore the constitution of the Christian Church to the primitive simplicity in which it was first instituted. These Separatists, as they were called, put in practice their theoretical opinions by the formation of churches in which the members were the source of all power, and controlled its administration, and, in a word, applied to ecclesiastical organizations principles, which, if introduced into civil governments, would produce a pure democracy."—W. M. Evarts, *Heritage of the Pilgrims*, p. 16; the New England Society Oration for 1854.

* Eggleston, *Beginners of a Nation*, p. 141 et seq.; Bancroft, vol. i., pp. 194-198.

† See Steele, *Chief of the Pilgrims; Life and Times of William Brewster* (1857); Doyle, *English Colonies in America*, vol. ii., pp. 27-32; Eggleston, pp. 149-158.

of such a church an act of religious duty. Consequently, the controversy was likely to resolve itself into a dispute between neighbor and neighbor and to upset the whole community. In 1607, therefore, the church at Scrooby began to put into execution the intention which they had formed so long ago — to emigrate to Holland. Some of the emigrants carried with them portions of their household goods, and it is said that some of them even carried their looms which they had made at home.

There was, however, some opposition to their departure. The largest party, in which were Bradford and Brewster, intended to embark at Boston in Lincolnshire, and they had made a secret contract with a captain of a Dutch vessel to receive them on board his ship as privately as possible, but the captain acted in a treacherous manner by giving secret information to the magistrates of Boston of the intentions of the emigrants. Therefore, after the emigrants had come aboard and were, as they thought, about to sail, the officers of the port climbed over the side of the vessel and removed them and their goods to the town. The emigrants were also subjected to the indignity of being thrust into jail without ceremony.* Some were afterward sent back to their homes, but others, among whom was Brewster, were confined for many months in the

prison at Boston. This circumstance disheartened a great many of the congregation and they remained in England, but the larger part persevered in their intentions to find a place where they might worship in freedom, and finally succeeded in meeting together at Amsterdam. For the next twelve years the congregation was located in Holland, being joined by a constant stream of disappointed persons from England who embarked for the country where all were permitted to worship according to the dictates of their consciences. According to contemporary writers this accession of persons of opposite faith turned the country into "a cage of unclean birds," "a common harbour of all heresies," and "a great mingle mangle of religion."* Among those to join Robinson's church after it had left England were Edward Winslow and Captain Miles Standish.†

Before long disputes and controversies arose among the congregation at Amsterdam and finally became of such an acrimonious nature that Robinson felt that it was to the interest of all to remove his congregation to Leyden, which was done in 1609. There they lived for a number of years in amity and concord, but still they did not feel at ease as they were

* Steele, *Life of Brewster*, p. 161; J. G. Palfrey, *History of New England*, vol. i., pp. 47-50; Eggleston, *Beginners of a Nation*, pp. 159-167.

† Doyle, *English Colonies in America*, vol. ii., pp. 36-37; Fiske, *Beginnings of New England*, pp. 68-76.

* Bancroft, vol. i., pp. 199-200.

not in their native land and could not exercise the rights belonging to free Englishmen. Being naturally averse to losing their birthright and having an eye to the temporal advantages which might accrue from emigrating to the New World, they turned their attention toward a scheme for planting a colony there.* In a letter to Sir Edwin Sandys, they say that they are "Well weaned from the delicate milk of our mother country, and inured to the difficulties of a strange land," and thus they were well fit to undertake a colonizing expedition.

They first applied to the Dutch government for permission to emigrate to New Netherland and for aid in establishing a settlement, but they failed to secure the desired aid.†

* "It has been customary first to assume that the Puritan migration was undertaken in the interests of religious liberty, and then to upbraid the Puritans for forgetting all about religious liberty as soon as people came among them who disagreed with their opinions. But this view of the case is not supported by history. * * * The notion that they came to New England for the purpose of establishing religious liberty, in any sense in which we should understand such a phrase, is entirely incorrect. * * * If we mean by the phrase 'religious liberty' a state of things in which opposite or contradictory opinions on questions of religion shall exist side by side in the same community, and in which everybody shall decide for himself how far he will conform to the customary religious observances, nothing could have been further from their thoughts."—Fiske, *Beginnings of New England*, pp. 144-145.

† See Brodhead, *History of the State of New York*, First Period, pp. 124-125. Palfrey says that the Dutch "made them liberal offers, but to found a colony for Holland would have been a deviation from one of the objects they had in view."—*History of New England*, vol. i., p. 53. See also Fiske, *Dutch and Quaker Colonies in America*, vol. i., pp. 107-111.

They therefore debated between themselves as to whether they would go to Guiana, then famed for its wealth, or to Virginia, but finally they decided on the latter place. Virginia had, however, been settled by Episcopalians and in that colony it was required that there be a public profession of adherence to the Church of England, in default of which several severe penalties were provided. The Puritans therefore sent two influential members of the church (Robert Cushman and John Carver) to England to endeavor to make terms with the Virginia Company on a basis of liberty of conscience to themselves, in case they should decide to settle in Virginia. Fearing opposition from the king and the high church party, they drew up seven articles known as the "Leyden Articles" setting forth their attitude toward the civil power.* The Virginia Company was desirous of attaching so valuable a body of emigrants to the Virginia colony, and they therefore endeavored to obtain for the Puritans through their own influence with the heads of the Church and State an assurance of toleration, but in this they were unsuccessful. Brewster himself, therefore, shortly afterward went to England to obtain as favorable a patent as he could. In the autumn of 1619 this was readily granted by the Virginia Company, although the patent given Brewster

* For which see Doyle, *English Colonies in America*, vol. ii., pp. 37-39; Bancroft, vol. i., p. 201.

was never of any practical use.* Having now obtained the patent, the next difficulty to be overcome was that of transportation across the sea. Arrangements were therefore made with some London merchants, but the terms agreed upon were not very favorable to the emigrants. The London merchants formed a joint stock company in whom was vested the title to the whole property acquired in the colony for a period of seven years, and in addition the services of each emigrant were only to be held equivalent to every £10 furnished by the capitalists. Nevertheless, though these terms were exceedingly hard, the Puritans decided to accept them and began preparations for embarkation.†

Though all of the congregation desired to go to the New World, a number of them were deemed unfit for pioneers or were unable to find room in the vessels, and therefore Robinson was left behind to administer to such as could not emigrate. A small ship, the *Speedwell*, had already been purchased in Holland and was now ready to convey the emigrants to Southampton. The latter left Leyden accompanied by their brethren, and made their way to Delft Haven

where they were joined by the members of the church at Amsterdam. The night of July 21 was spent in mutual encouragement and prayer and on the 22d, the wind being fair, they set sail. The parting with Robinson and their brethren was very affecting, but having determined on their course they would not turn back, and after a short voyage finally reached Southampton. While at Southampton the congregation received a touching letter from Robinson, which was read to the assembled company and which gave them greater heart for their voyage.*

After remaining at Southampton for a few days, the *Speedwell* was joined by a larger vessel, the *Mayflower*, and the passengers distributed between the two. In August the two vessels got under way, but the *Speedwell* very shortly sprang a leak and proved to be unseaworthy; and the two vessels were first obliged to put in at Dartmouth and then at Plymouth for repairs. The *Speedwell*, however, was found to be in no condition to withstand an ocean voyage and it became necessary therefore to leave a portion of the company at Plymouth. Crowding as

* For the negotiations see Doyle, vol. ii., pp. 39-43; Fiske, *Beginnings of New England*, pp. 79-80; Palfrey, vol. i., pp. 53-55; Osgood, *American Colonies*, vol. i., p. 105 *et seq.*; Eggleston, *Beginners of a Nation*, pp. 167-176.

† The terms are given in full by Palfrey, *History of New England*, vol. i., pp. 55-56; Osgood, *American Colonies*, vol. i., p. 105 *et seq.*

* Dexter, *Congregationalism of 300 Years* (1880); Davis, *Life of John Robinson* (1903); Brook, *Lives of the Puritans* (1813); Mather, *Magnolia* (1702); Bradford, *History of Plymouth Plantation* (Coll. of the Mass. Hist. Soc., 4th ser., vol. iii., 1856); Neal, *History of New England* (1720); Douglas Campbell, *The Puritans in Holland, England and America* (1892); Byington, *The Puritan in England and New England* (1896); Daniel Neal, *History of the Puritans*.



THE EMBARKATION OF THE PILGRIMS.

From the painting by Robert W. Weir in the Capitol at Washington.



many as possible into the *Mayflower*, the company again set sail on September 6. After a long and tedious voyage which was full of danger because of the equinoctial gales, the *Mayflower* finally came in sight of the coast of New England on the 9th of November, touching at a spot not far distant from Cape Cod. It had been their purpose, however, to make a settlement near the Hudson River and the course of the ship was therefore turned south, but becoming entangled among the shoals, they decided to return and again came to anchor in Cape Cod harbor.*

Being exceedingly weary of the discomfort occasioned by an overcrowded ship, the Puritans were only too eager to land, but as they were not within the limits of the Virginia Company and as signs of insubordination had broken out among some of the members of the company, it was deemed best that a voluntary compact be signed as a basis of social polity and that a governor be appointed. John Carver was elected to the latter position for a period of one

year, and all the men of the company, which consisted of 102 people (men, women and children) affixed their signatures to the following document:

"In the name of God. Amen. We, whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, etc.

"Having undertaken, for the glory of God, and the advancement of the Christian faith, and the honour of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body-politic, for our better order and preservation, and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names. Cape Cod, 11th November, in the reign of our sovereign lord, King James, of England, France, and Ireland, 18, and of Scotland, 54. Anno Domini 1620."*

Immediately after landing, a party of 16 armed men under command of Miles Standish was sent out to explore the country. They found it covered with pine forests and here and there a deserted wigwam, but they rarely got sight of any of the natives. On their journey they unearthed a quantity of Indian corn which had been buried in the sand in baskets by the Indians, and this gave the colonists a very timely supply of seed for the following spring. Winter, with

* The story which has often been told, to the injury of the Dutch, that they bribed the master of the *Mayflower* not to land the company on the Hudson, is without solid foundation. It seems to have originated in the ill feeling which sprang up at a subsequent date between New England colonists and the Dutch. Grahame (*History*, vol. i., p. 144) repeats the story as if it were undoubtedly true. Bancroft (vol. i., p. 309, 1st ed.) leaves the matter somewhat in doubt. See also Doyle, *English Colonies in America*, vol. ii., p. 48; Palfrey, *History of New England*, vol. i., pp. 56-60; Fluke, *Dutch and Quaker Colonies*, vol. i., p. 111.

* A. A. Haxtun, *Signers of the Mayflower Compact* (1897); Blanche McManus, *Voyage of the Mayflower* (1897); Azel Ames, *The Mayflower and Her Log* (1901); Brigham, *Laws of New Plymouth*.

all its fury, now came on the little band and it became absolutely necessary to fix upon some spot for a settlement. The hardiest of the company, therefore, undertook to search out a good harbor and convenient place where they might find a settlement, and in this undertaking five weeks were spent. It was not, therefore, until December 11, O. S., or December 21, 1620, N. S., that the Pilgrims finally set foot on the far-famed Plymouth Rock. As a remembrance of the kindnesses they had received at Plymouth, England, the Puritans bestowed the name of New Plymouth upon the settlement.*

At this point the whole company was landed, and the task of erecting habitations to shelter them from the inclement weather was immediately begun. A fort was built upon a hill commanding the bay and in it were placed a few small pieces of ordnance. At the foot of the hill two rows of huts were laid out, the plots being divided by lot;† some twelve houses were built at the outset,‡ which served as the habitations for nineteen families, but as the winter had now set in with all its severity, the labor of felling trees and the construction of houses was necessarily suspended to

a great degree, though as much was accomplished as possible under the circumstances. The privations and exposure to the rigor of the season, and the fact that they were constantly soaked in the icy water by wading from the ship to land, finally implanted the seeds of mortal disease in the colonists, and during the first winter they gradually faded away.* One of the first entries in the new year was the following:—"January 29, dies Rose, the wife of Captain Standish." Bradford's wife also perished by drowning. The deaths became so numerous during these winter months that nearly one-half of the entire number had been cut off. Palfrey says that of the 102 who came over 6 died in December, 8 in January, 17 in February, and 13 in March, and that before the second party arrived in the autumn 51 had died, including 28 out of the 48 adult men. Bradford in a letter to Weston says: "But it pleased God to vissite us then, with death dayly, and with so generall a disease, that the living were scarce able to burie the dead; and the well not in any measure sufficiente to tend the sick."† The dead were buried on the bank not far from the landing, and in order to prevent the Indians from attacking the survivors in their weakened state and to deceive them as to their actual numbers, the soil

* Palfrey, *History of New England*, vol. i., pp. 61-64; Bancroft, vol. i., pp. 207-209.

† Young, *Chronicles of the Pilgrims*, p. 173; *Plymouth Colony Records*, vol. vii., p. 1.

‡ Goodwin, *Pilgrim Republic*, p. 106. See also the description of the town, as it was in 1627, by De Rasieres in *Collections of the New York Historical Society*, vol. ii., pp. 351-352.

* Young, p. 198.

† Adams, *Three Episodes in Massachusetts History*, vol. i., p. 50. See also Trumbull, *History of Connecticut*, vol. i., p. 7 (reprint of 1898).

which covered the graves was carefully beaten down and planted with a crop of corn.*

The colonists, however, were not troubled during the winter by the Indians, although there was an occasional alarm. Early in the spring when they were again beginning to have hope of success, they were startled one morning by the entrance into the village of an Indian who saluted them in English: "Welcome Englishmen!" The Indian was a sagamore named Samoset, and he informed the Puritans that the Indians had been ravaged by a severe plague during the winter and that they had had no opportunity, if they would, of attacking the new settlement on the shore. Samoset was very friendly to the new colony, and through him and other friendly Indians intercourse was opened with the tribes in the interior. Samoset also induced Massasoit, chief of the Pokanokets or Wampanoags, to make a treaty of amity with the colonists.†

After his first term of office had expired, Carver was re-elected governor, but a few weeks after the election he died and Bradford was then

chosen his successor. In April, 1621, the *Mayflower* returned to England, and after her departure the colonists, taking heart from the approaching mild weather, sent out a party consisting of Standish and nine others to explore Massachusetts Bay about 40 miles to the north. It was at this time that the Puritans first beheld the Shawmut peninsula which is the site of the present city of Boston. In the following November, 35 new colonists arrived in the *Fortune*, and with them came Cushman, who had finally succeeded in obtaining a patent from the Council of New England chiefly through the influence of Sir Ferdinando Gorges.* Shortly afterward Cushman returned to England, where for some time he acted as agent for the colony.†

The arrival of the new emigrants, however, was of no advantage to the little settlement, as there were new mouths to feed but no provisions, and consequently a period of famine lasting several months ensued; for a time each person was allowed only half rations and when the corn had been consumed, the colonists were reduced to the scantiest rations, which consisted chiefly of fish and such supplies as might be secured from occasionally passing vessels. As yet no cattle had been imported; such agricultural im-

* Banvard, *Plymouth and the Pilgrims*; Davis, *History of the Town of Plymouth* (1885); Doyle, *English Colonies in America*, vol. ii., pp. 50-54; Palfrey, *History of New England*, vol. i., pp. 65, 70.

† Fiske, *Beginnings of New England*, p. 83 et seq.; Palfrey, vol. i., pp. 66-68. Bancroft, vol. i., p. 210, says that this was the oldest act of diplomacy recorded in New England, and that while concluded in a day it was sacredly kept for more than half a century.

* Palfrey, *History of New England*, vol. i., pp. 72-73; Bradford, *History of Plymouth Plantation*, *Collections of the Massachusetts Historical Society*, 4th series, vol. iii., p. 41; Young, *Chronicles of the Pilgrims*, p. 234.

† Goodwin, *Puritan Republic*, p. 243.

plements as the colonists possessed were rude, and they were almost destitute of boats and tackle with which to catch the fish abounding on the coast; furthermore, mortality and distress had prevented them from tilling the soil. In addition, the Indians were becoming hostile, and on one occasion Canonicus, sachem of the Narragansetts, enemies of the Wampanoags, sent a defiance to the colonists in the shape of a bundle of arrows tied together with the skin of a rattlesnake. Bradford, however, displayed an unusual amount of courage, considering the condition of the colony, returning the skin stuffed with powder and ball as a hint of what the whites could do should they be attacked by the Indians. The latter became frightened and adopted the prudent course of withholding their attack.* In 1622, however, the colonists judged that it would be prudent to surround the village with a palisade of timbers driven in the ground. This palisade was a mile in circuit and had three gates.†

Dissensions now broke out among the colonists similar to those which nearly wrecked the Virginia colony. Thomas Weston, one of the most active of those who had fitted out the Plymouth expedition, became dissatisfied with the pecuniary results of

the undertaking, and in 1622 resolved to found a separate plantation under his own management, the profits from which should accrue to him alone.* Sending out a party of 60 men, who were chiefly indented servants, the settlement was begun, but the indifferent character of the men soon began to show itself, and after intruding upon the people of Plymouth for two or three months and eating or stealing half their provisions, the attempt was made to establish the settlement at Wessagusset (now Weymouth) on the south shore of Massachusetts Bay. The stock of the colonists was soon exhausted, and they began to plunder the Indians who then formed a conspiracy to exterminate the whole body;‡ but the Indians were foiled in their attempt by Massasoit who revealed the plot to the colonists. Captain Standish thereupon organized a band to surprise the Indians before they could make their attack, and in the battle which followed, Wituwamot, the chief of the conspiracy, was captured and put to death upon the spot, together with several other Indians.‡ When Robinson heard of the death of the Indians, he wrote to the colonists as follows: "Concerning the killing of

* Charles Francis Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 35-36; Doyle, *English Colonies in America*, vol. ii., pp. 87-88; Fiske, *Beginnings of New England*, p. 85.

† See Bradford's *Diary of Occurrences* (1622).

* The details of this attempt will be found in Adams, *Three Episodes of Massachusetts History*, vol. i. See also Bancroft, vol. i., p. 211-212.

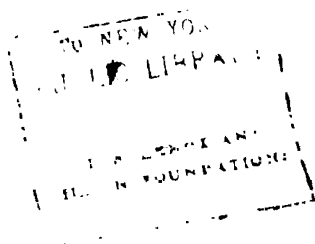
† Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 51-68.

‡ J. S. G. Abbott, *Myles Standish*; Adams, *Three Episodes*, vol. i., chaps. v.-vi.; Doyle, vol. ii., pp. 74-75; Hildreth, vol. i., p. 165 et seq.



1. THE MAYFLOWER IN PLYMOUTH HARBOR. (From the painting by W. F. Halsall.)
 3. INTERIOR OF A NEW ENGLAND PIONEER'S HOME. (From the painting by W. L. Hudson.)

2. GOVERNOR BRADFORD'S HOME. (From the painting by W. L. Williams.)
 4. PUBLIC WORSHIP AT PLYMOUTH BY THE PILGRIMS.



those poor Indians, of which we heard at first by report and since by more certain relation, Oh! how happy a thing had it been, if you had converted some before you had killed any; besides, where blood is once begun to be shed, it is seldom staunch'd of a long time after. You will say they deserved it. I grant it; but upon what provocations and invitations by these heathenish christians? Besides, you being no magistrates over them, were to consider, not what they deserved, but what you were of necessity constrained to inflict. Necessity of this, especially in killing so many, (and many more, it seems, they would if they could,) I see not. Methinks one or two principals should have been full enough, according to that approved rule — the punishment to the few, and the fear to the many.”* The plantation at Wessagusset was then speedily abandoned, and Weston, after suffering much indignity and ill-treatment at the hands of the Indians, returned to England, a ruined man.†

Meanwhile Sir Ferdinando Gorges had been doing for New England what Raleigh did for Virginia — becoming impoverished to blaze the way for the success of others. The Plymouth Company had sent out several exploring ships, the first of which, under Captain Henry Challong, was taken by the Spaniards. Chief Jus-

tice Sir John Popham furnished the second which was commanded by Martin Pring and Thomas Hanham, a patentee, and which made an excellent exploration of the coast. Popham again made an effort in the summer of 1607, sending out an expedition under Raleigh Gilbert which succeeded in planting the first permanent settlement in New England. These colonists erected Fort Popham or Fort George at the mouth of the Kennebec on the peninsula of Sabino. They also erected some dwellings, a church and a storehouse and called the place Pemaquid. But the severity of the following winter, together with the facts that they did not find the expected mines and that their storehouse had been burned, caused the majority of the colonists to return home.*

In 1614 John Smith offered his services to the northern Company and was deputed to explore and map out the seaboard of the territory embraced in that Company's grant.† In the same year Gorges, with the Earl of Southampton and others, sent out an expedition under Captain Hobson, but it was fruitless; Gorges and Smith then united, but the two parties sent out by them were also failures. Richard Hawkins, then president of the Plymouth Company, next visited

* Adams, vol. i., p. 99.

† Palfrey, *History of New England*, vol. i., pp. 75-77.

* Fiske, *Beginnings of New England*, p. 77; Bancroft, vol. i., p. 89 *et seq.*; Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 117-119.

† Fiske, pp. 77-79.

the country with no result, and was followed by some exploring and fishing parties sent out by Gorges.*

About 1618 several scattering fishing stations were planted, the fisheries soon drawing 600 or 700 vessels every season. The principal fishing stations were at the mouth of the Kennebec River and at Monhegan Island and Smith's Isles, the vessels coming in January and February and returning in the fall with cargoes worth approximately £5,000. Realizing the value of this section, Gorges and his companions in 1620 besought a charter from James I., and in his endeavors enlisted the aid of the rich Captain John Mason, treasurer of the royal navy and military governor of Hampshire. The Virginia Company, however, exerted every influence to prevent the grant of the charter, but the king, wishing to curb somewhat the powers of the London Company and to spite the Sandys faction, decided in favor of Gorges and Mason, and in 1620 incorporated "The Council Established at Plymouth in the County of Devon, for planting, ruling, ordering and governing New England in America." This grant gave the company control, subject to the laws of England, over the land, the waters and the trade of the entire continent situated between the 48th and 40th parallels.†

* For these early expeditions see Doyle, *English Colonies in America*, vol. ii., pp. 16-26 and the authorities there cited.

† Adams, *Three Episodes of Massachusetts His-*

Gorges was made governor-general, but was unable to leave home and therefore sent the second of his sons, Captain Robert Gorges, as lieutenant-governor,* together with a number of colonists, two clergymen, and a staff of officers to establish a church government which was especially designed to embrace the fugitives at New Plymouth.† Robert Gorges had patents to any 300 miles of territory he might desire. This colony, however, did not last long, becoming extinct within a year, those who did not return making their homes at various points on Massachusetts Bay.‡

tory, vol. i., pp. 121-125; Bancroft, vol. i., p. 215; Osgood, *American Colonies*, vol. i., p. 98 *et seq.*, and authorities cited. See also Gorges, *The Briefe Relation of the Discovery and Plantation of New England*, reviewing the efforts of the patentees up to this time. The charter will be found in Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1827-1840. See also Appendix I. at the end of the present chapter.

* Baxter, *Sir Ferdinando Gorges*, pp. 11, 49 *et seq.*

† Among those whom Gorges brought with him was a clergyman of the Church of England named William Morrell who had been appointed commissary of ecclesiastical affairs by the archbishop of Canterbury. The Puritans did not look upon his mission with favor, and within a year or so he returned to England without having attempted to interfere with the colonists or with their religious views or practices. In 1624 another clergyman by the name of John Lyford was recommended for the pastoral office vacant at New Plymouth by the partners in London, but he was as little acceptable as Morrell. Soon after his arrival he was brought before the authorities under the charge of practicing against the colony, and he and a few of his adherents were expelled. Migrating to Nantasket at the entrance of Boston harbor, the expelled colonists established a settlement at that point. Adams, *Three Episodes*, vol. i., pp. 183-190.

‡ Young Gorges died not long after his return to England, leaving the territorial claims which

Francis West had also come with this expedition as admiral of New England for the purpose of collecting the fees from unlicensed fishermen, but he too was unsuccessful.*

In 1622 the council granted the territory of Acadia (later Nova Scotia) to Sir William Alexander, afterward Earl of Stirling, Viscount of Canada and patentee of Newfoundland. On August 10, 1622, Gorges and Mason obtained a grant of the territory and adjacent islands from Naumkeag (now Salem) to the Kennebec, and thence to Canada. This grant was named Lygonia in honor of Gorges' mother, Cicely Lygon.† In Lygonia a tract of land was given to Captain David Thomson, who in 1623 established a post at the mouth of the Piscataqua, which later formed the beginnings of Mason's province of New Hampshire. Later in the same year, Dover, N. H., was founded.‡ Another grant of 6,000 acres was given to Captain Christopher Levett, who in the same year settled on the peninsula called Quack by the In-

dians, Falmouth by later settlers, and now the city of Portland. Levett attempted to found there a great religious and commercial settlement to be called York, and, to obtain further colonists and larger grants, returned to England; but before much had been done in this direction he died. In 1623 a new arrangement was entered into by the members of the council by which New England was laid out into twenty plots, each member drawing for his plot which he was supposed to colonize,* but nothing came of the plan. In 1628 a patent was issued to the Puritan party for fishing and fur-trading on Massachusetts Bay, the patent overlapping a special grant to John Mason and the Gorges patent, and thus laying the foundation of the claim by which Massachusetts controlled all of Maine and part of New Hampshire for nearly a century.

The British merchants now turned their attention to New France, from the fur business of which over £30,000 profits were being derived each year. With Gorges, Mason and Alexander, they formed the Canada Company, and in 1629 sent Sir David Kirke with an armed fleet for the purpose of conquering New France. This Kirke easily did, capturing Quebec, Port Royal and the fishing posts on Cape Breton. But the captured territory was restored to the French, and the efforts of the Canada Company came

had arisen from his unimproved grant, to his brother, from whose hands it passed to John Oldham and Sir William Brereton. *Massachusetts and Its Early History*, Lowell Institute Lectures, p. 154. See also Adams, *Three Episodes*, vol. i., p. 153 et seq.

* Doyle, *English Colonies in America*, vol. ii., pp. 76-77; Adams, *Three Episodes*, vol. i., p. 136.

† Many state that this was named Laconia, but the Laconia Company was an entirely different affair. The text of the grant will be found in Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1621-1625. See also Appendix II. at the end of the present chapter.

‡ Doyle, vol. ii., p. 201 et seq.

* Osgood, *American Colonies*, vol. i., p. 121; Adams, *Three Episodes*, vol. i., pp. 138-140

to naught.* These merchants were not to be turned aside from their course so easily and in November, 1629, they united with Gorges and Mason in forming the Laconia Company. Captain Walter Neil was made lieutenant-governor of New England and director of the operations of the Company, but further than making some important explorations and founding settlements, later known as Kittery and South Berwick, Maine, nothing was accomplished. Neil returned to England in 1633, and the members of the Laconia Company sold out and divided their assets. Gorges and Mason divided Lygonia, the former selecting the region north of the Piscataqua, renaming it New Somersetshire, while the latter took the territory between the Piscataqua and Merrimac and adjoining a separate grant which he held to the Naumkeag, renaming the entire tract New Hampshire.† In February, 1635, the council decided to surrender their charter, and deeds were accordingly drawn up and signed, the king then declaring his royal dominion over New England and appointing Sir Ferdinando Gorges governor-general.‡

* Parkman, *Pioneers of France in the New World*, pp. 433-445; Henry Kirke, *First English Conquest of Canada*; Winsor, *Cartier to Frontenac*, pp. 131-135; Douglas, *Quebec in the Seventeenth Century*, pp. 183-227.

† Osgood, *American Colonies*, vol. i., pp. 127-128.

‡ See Baxter, *Sir Ferdinando Gorges and His Province of Maine* (1890); on the various

Meanwhile the colony at New Plymouth, though still feeble, had given encouraging signs of life and energy, for while the colonists as yet had no luxuries, still there was plenty of wholesome food and a good supply of pure water to drink. "The non-existence of private property, the discontent and unwillingness to labor thence arising, and the exorbitant interest, as high as forty-five per cent. paid for money borrowed in London, were, however, serious drawbacks to the prosperity of the colony. It was found necessary, indeed, to enter into an agreement that each family should plant for itself; and an acre of land was accordingly assigned to each person in fee.* Under this stimulus, the production of corn soon became so great, that, from buyers, the colonists became sellers to the Indians. At the end of the fourth year after its settlement, Plymouth had thirty-two dwelling houses and a hundred and eighty-four inhabitants. The general stock, or whole amount of the investment, personal services included, amounted to £7,000 or \$34,000. The London partners were very unwilling to make any further advances. John Robinson died in Holland, and several years elapsed before his family, and the rest of the Leyden congregation could find means to transport themselves to New Plymouth. Those already there

patents see Osgood, *American Colonies*, vol. i., pp. 123-127.

* Bradford, *History of Plymouth Plantation*, pp. 134-167.

—passengers by the *Mayflower*, the *Fortune*, the *Anne*, and the *Little James* — were afterward distinguished as the ‘old comers,’ or ‘forefathers.’ Six or seven years elapsed before the colony received any considerable addition to its numbers.”*

In 1627, at which time the agreement between the Plymouth colonists and the London merchants terminated, the latter agreed to sell out their interest for \$9,000,† eight of the principal men of the colony, known as “undertakers,” binding themselves on behalf of the colony to pay the debt. They abandoned the joint-stock principle and donated to each colonist about 20 acres of land nearest the town.‡ The common stock of domestic animals was divided as was also the meadow land in 1633.§ Although in 1630 the number of colonists at New Plymouth did not total 300, yet they considered that the settlement had been firmly established. To use their own language, “It was not with them as with other men whom small things could discourage, or small discontents cause to wish themselves at home again.” By

* Hildreth, *History of the United States*, vol. i., p. 171. See also Doyle, *English Colonies in America*, vol. ii., pp. 61–62; Palfrey, *History of New England*, vol. i., pp. 79–83.

† Bradford, *Plymouth Plantation*, pp. 203, 210, 212, 214, 226, 373n.

‡ Doyle, vol. ii., p. 63 *et seq.*; Palfrey, vol. i., pp. 85–87; Bradford, p. 216; Hazard, *Historical Collections*, vol. i., pp. 180–181; *Records*, vol. xii., p. 13.

§ *Records*, vol. i., p. 14.

degrees, also, the colonists had assumed the responsibility and exercised all the prerogatives of government, even to capital punishment; they enacted all the laws necessary in a general assembly of the colonists, and in religious matters were exceedingly liberal. Anyone whom the spirit moved might address the congregation on Sundays, and for many years there was no regular pastor or minister at the settlement.* In January, 1630, a new patent was granted to Bradford and his associates by which they were given all the land bounded on the north by the Cohasset River, on the south by the Narragansett River and on the west by the Pokanoket. They were also given a tract of land 15 miles in breadth on each bank of the Kennebec for fishing purposes. The patent also gave the colonists a monopoly of trade with the Indians within the prescribed limits.†

In the meantime other settlements had been made in nearby territory. The settlements at Wessagusset by Weston and at Nantasket by Lyford have already been mentioned. Captain David Thomson also left the Piscataqua and settled his family on the island which bears his name (although spelled with a “p”);‡ Wil-

* On the government of Plymouth see Osgood, *American Colonies*, vol. i., pp. 290–300.

† Palfrey, vol. i., pp. 141–145. For text of patent see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1841–1846. See also Appendix III. at the end of present chapter.

‡ Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 191–193.

liam Blackstone (or Blaxton) whom Gorges had sent out to use his influence as a "clerk of Holy Orders" for the Church of England at New Plymouth, settled on Shawmut peninsula; "Mr. Jeffrey and Mr. Burslem" settled at Winnisimmet, now Chelsea, as did also Samuel Maverick; Thomas Walford, a blacksmith of the Gorges Company, settled at Mishawum (now Charlestown) at the mouth of the Mystic; Edward Helton settled at Cochecho on the Piscataqua; and some fishermen had erected dwellings, storehouses, a church and other buildings on Cape Anne.*

These were the forerunners of the second and more extensive Puritan colony established on the shores of Massachusetts Bay. In England, King Charles was using every endeavor to make the position of the Puritans less and less comfortable, and it was but natural that the Puritans should turn to America as a place of refuge from trial and persecution. On March 19, 1628, a grant was obtained from the New England Company of Plymouth to a tract of land across the continent from three miles north of the Merrimac River to three miles south of the Charles River, thus embracing Massachusetts Bay and the entire country to the west.† The grantees were Sir Henry Roswell, Sir John Young, Thomas

Southcott, John Humfrey, John Endicott, and Symon Whitcombe. This grant was not wholly legal, because it included some of the territory which the New England Council had already granted to Robert Gorges in 1622. Nevertheless, Sir Ferdinando Gorges gave his consent to its issuance "so far forth as it might not be prejudicial" to the interests of his son Robert.*

In September, 1628, Endicott, a Puritan of the sternest sort, first established himself at Naumkeag and was followed shortly after by a strong body of colonists who came chiefly from Boston, Lincolnshire. In March, 1629, Charles I. granted a patent, though very reluctantly, incorporating the adventurers as the "Governor and Company of Massachusetts Bay in New England." The affairs of the colony were to be administered in monthly court meetings and the stockholders were annually to elect a governor, deputy governor, and eighteen assistants. For the transaction of public affairs four general courts of the whole body of freemen were to be held; no laws or statutes were to be enacted contrary to the laws of England; but the supreme power resided with the Company in England. As the patent was considered as being chiefly in the interests of trade, no specific provision was made regarding religion.† The

* Palfrey, *History of New England*, vol. i., pp. 88-89; Adams, *Three Episodes*, vol. i., pp. 160-161.

† Adams, *Three Episodes*, vol. i., pp. 209-210.

* Baxter, *Gorges*, vol. ii., pp. 51, 59.

† Doyle, *English Colonies in America*, vol. ii., p. 90; Fiske, *Beginnings of New England*, pp. 92-

larger number of the proprietors were adherents of the Church of England, but Endicott, after a visit to Plymouth, desired to establish an independent church and to renounce the use of the Liturgy.* His attitude in this matter involved him in a dispute with two brothers, John and Samuel Browne, who were among the original patentees, and who desired that the services of the Church of England be used exclusively in the colony. Endicott in 1629, therefore, sent these two brothers back to England as being "factionous and evil conditioned."† This action of Endicott was considered as being beyond his authority, and the Company therefore severely reprimanded him, but on the other hand they refused to consider the complaints lodged against Endicott by the Brownes. Bartlett says in his *Pilgrim Fathers* that "this transaction not merely indicates the character of Endicott, but exposes the secret principle upon which the new commonwealth was founded, the open avowal of which would have certainly prevented the concession of a royal charter. It was, while nominally subject to the authority of the Church of

England, to establish a totally different system, in which all that was really vital to that system, such as its Episcopal government and appointed formularies, should be entirely set aside and no toleration granted to any other form of worship but that agreed upon by themselves. The expulsion of the Brownes was only the first of that series of oppressive actions which ended in the judicial murder of the Quakers."*

As the grant given to Endicott overlapped some of the surrounding settlements, he was instructed to appease them by confirming and enlarging their land-holdings, by conferring upon them the freedom of the Company and by allowing them to continue to grow tobacco. Walford, the blacksmith, Blackstone and the other settlers were well paid to move their habitations.‡ Among the ministers of the settlement were Francis Higginson and Samuel Skelton, to whom we are largely indebted for our knowledge of those times. At this time, a change was made in the Company. A plan to transfer the charter of the Company from England to the colony itself was formed, and this led to an increase in the number and distinction of the emigrants, among the most noted of whom were Sir Richard Saltonstall, John Winthrop, Thomas Dudley, and Isaac Johnson, brother-

96; Hurlburt, *Britain and Her Colonies*, pp. 5-8; Bancroft, vol. i., pp. 222-226; Palfrey, *History of New England*, vol. i., pp. 91-100; Osgood, *American Colonies*, vol. i., pp. 130-137. For text of charter see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1846-1860. See also Appendix IV. at the end of the present chapter.

* Fiske, pp. 108-109.

† Doyle, vol. ii., pp. 96-97; Bancroft, vol. i., p. 228 *et seq.*; Eggleston, *Beginners of a Nation*, p. 200; Hildreth, vol. i., pp. 182-183.

* See also Palfrey, *History of New England*, vol. i., pp. 100-104.

† Adams, *Three Episodes of Massachusetts History*, vol. i., p. 322 *et seq.*

in-law of the Earl of Lincoln.* Winthrop was now chosen governor† and fully justified the confidence placed in him; Thomas Dudley was chosen deputy-governor. Winthrop was a good example of the English gentleman of that time. While loyal to his private beliefs, he was no less firm in asserting the right of public liberty of conscience. He was firmly and loyally attached to the Church of England, but he nevertheless desired to see the church reformed upon the basis of the Scripture as advocated by the Puritans. The emigrants who now came to New England included persons of high character, wealth and learning, and their attachment to the mother country was manifested in a protestation against certain calumnious reports which had gone forth against them. In this they declared their unswerving attachment to the Church and to the land from which they were now departing.‡ The ex-

pedition which started in 1630 was the most important that had thus far left England for America. It consisted of 17 ships with about 1,000 emigrants, among whom were four ministers of the Non-Conformist faith. The settlers carried with them every necessity for the foundation of a permanent colony.*

Dr. Robertson's remarks regarding the movement to transfer the government of the colony from England to America are well worth quoting:

"In this singular transaction, to which there is nothing similar in the history of English colonization, two circumstances merit particular attention: one is the power of the Company to make this transference; the other is the silent acquiescence with which the king permitted it to take place. If the validity of this determination of the Company be tried by the charter which constituted it a body politic, and conveyed to it all the corporate powers with which it was invested, it is evident that it could neither exercise those powers in any mode different from what the charter prescribed, nor alienate them in such a manner as to convert the jurisdiction of a trading corporation in England into a provincial government in America. But from the first institution of the Company of Massachusetts Bay, its members seem to have been animated

* Doyle, pp. 97-98; Palfrey, vol. i., pp. 104-110; Young, *Chronicles of Massachusetts*, p. 281; *Massachusetts Colonial Records*, vol. i., p. 50 *et seq.*

† *Mass. Col. Recs.*, p. 50; Bancroft, vol. i., p. 232.

‡ The following paragraph is quoted from a letter addressed by them to "the rest of their brethren in and of the Church of England." It was dated from Yarmouth, aboard the *Arbella*, April 7, 1630. "We desire you would be pleased to take notice of the principals and body of our company, as those who esteem it our honor to call the Church of England, from whence we rise, our dear mother; and cannot part from our native country, where she specially resideth, without much sadness of heart, and many tears in our eyes; ever acknowledging that such hope and part as we have obtained in the common salvation, we have received in her bosom, and

sucked it from her breasts. We leave it not, therefore, as loathing that milk wherewith we were nourished there, but, blessing God with the parentage and education, as members of the same body, shall always rejoice in her good, and unfeignedly grieve for any sorrow that shall ever betide her, and while we have breath, sincerely desire and endeavor the continuance and abundance of her welfare, with the enlargement of her bounds in the kingdom of Jesus Christ." They also ask, further on in the letter, of their brethren in England, that they may not be despised nor deserted "in their prayers and affections." Hubbard, *New England*, pp. 126-127. See also Cotton Mather, *Magnalia*, vol. i., pp. 74-75.

* Fiske, *Beginnings of New England*, p. 101 *et seq.*; Palfrey, *History of New England*, vol. i., p. 110 *et seq.*

with a spirit of innovation in civil policy, as well as in religion; and by the habit of rejecting established usages in the one, they were prepared for deviating from them in the other. They had applied for a royal charter in order to give legal effect to their operations in England as acts of a body politic; but the persons whom they sent out to America, as soon as they landed there, considered themselves as individuals united together by voluntary association, possessing the natural right of men who form a society, to adopt what mode of government, and to enact what laws, they deemed most conducive to the general felicity. Upon this principle of being entitled to judge and decide for themselves, they established their church in Salem, without regard to the institutions of the Church of England, of which the charter supposed them to be members, and bound, of consequence, to conformity with its ritual. Suitably to the same ideas, we shall observe them framing all their future plans of civil and ecclesiastical policy. The king, though abundantly vigilant in observing and checking slighter encroachments on his prerogative, was either so much occupied with other cares, occasioned by his fatal breach with his parliament, that he could not attend to the proceedings of the Company, or he was so much pleased with the proposal of removing a body of turbulent subjects to a distant country, where they might be useful, and could not prove dangerous, that he was disposed to connive at the irregularity of a measure which facilitated their departure."*

Among the passengers who embarked on board the *Arbella*, so named after Lady Arbella Johnson, who with her husband was also a passenger, were Winthrop and Dudley. In June, 1630, the ship arrived in the bay and at Charlestown they found Endicott. They had at first intended to found a settlement at this place, but the opposite peninsula quickly attracted their attention.

* Robertson, *History of America*, book x., p. 230. See also Chalmers, *Introduction to History of Revolt of American Colonies*, vol. i., pp. 42, 43; Bancroft, vol. i., p. 230 *et seq.*

Going there they found the place occupied only by Blackstone, and it was therefore determined to establish the new settlement upon this spot. The new town was called Boston, in honor of the place from which the settlers had come. Other parties of emigrants now arrived and settled at various places in the surrounding country, giving names to the various towns and villages which they founded, such as Salem, Charlestown, Dorchester, Watertown, Roxbury, Mystic, and Saugus (Lynn).* "Each settlement," says Mr. Hildreth, "at once assumed that township authority which has ever formed so marked a feature in the political organization of New England. The people assembled in town meeting, voted taxes for local purposes, and chose three, five or seven of the principal inhabitants, at first under other names, but early known as 'selectmen,' who had the expenditure of this money, and the executive management of town affairs. A treasurer and a town clerk were also chosen, and a constable was soon added for the service of civil and criminal processes. Each town constituted, in fact, a little republic, almost complete in itself."†

While the emigrants had expressed a feeling of affection and warm at-

* Doyle, *English Colonies in America*, vol. ii., pp. 101-103; Young's *Chronicles*, p. 313.

† Hildreth, *History of the United States*, vol. i., p. 186. See also Doyle, p. 103 *et seq.*; Palfrey, *History of New England*, vol. i., p. 114 *et seq.*; *Massachusetts Colonial Records*, vol. i., pp. 76, 79, 167, 172.

tachment to the Church of England, yet they had hardly set foot in the New World when they began to organize churches according to their own ideas of right and propriety, but for the present they adopted a temporizing policy and acted prudently, so that they would not provoke needless collision on the fine points such as the value and necessity of Episcopal ordination, the obligation of ceremonies, etc.* The Boston settlers had not been subjected to hardships so severe as those with which the Plymouth colonists had been forced to contend; yet they experienced shortness of provisions, debility, severity of the winter and other unfavorable circumstances, and before December, 1630, more than 200 had died, among whom were Lady Arbella Johnson and her husband.† Before the winter

had passed, the infant colony was threatened with extinction because of famine, but fortunately a vessel arrived from England with provisions, and their broken spirits were accordingly revived. Many of the emigrants, however, were so disgusted that they returned home and spread reports which inflicted much injury on the colony, and for some time prevented further emigration.

When the Company decided upon removal to New England its debts amounted to £2,500, in addition to which the sum of £1,500 was needed for immediate use.* At a meeting of the Company, November 30, 1629, it was therefore decided to appoint a board of ten "undertakers" (five planters and five adventurers) to take charge of the joint stock of the Company for ten years and to assume

* On the relations between church and state in Massachusetts see Osgood, *American Colonies*, vol. i., pp. 200-223, and authorities cited, especially Dexter, *Congregationalism as seen in its Literature*; Cotton Mather, *Magnalia*, books iii.-v.; Felt, *Ecclesiastical History of England*, vol. i.; John Cotton, *The Way of the Churches of Jesus Christ in New England*; Hooker, *Survey of the Summe of Church Discipline*; Ellis, *Puritan Age in Massachusetts*.

† Cotton Mather bestows this somewhat quaint tribute to their character. "Of those who soon dyed after their first arrival, not the least considerable was the Lady Arbella, who left an earthly paradise in the family of an Earldom, to encounter the sorrows of a wilderness, for the entertainments of a *pure worship* in the house of God; and then immediately left that wilderness for the Heavenly *paradise*, whereto the compassionate Jesus, of whom she was a follower, called her. We have read concerning a noble woman of Bohemia, who forsook her friends, her plate, her house and all; and because the gates of the city were guarded, crept through

the common sewer, that she might enjoy the *institutions* of our Lord at another place where they might be had. The spirit which acted that noble woman, we may suppose, carried this blessed lady thus to and through the hardships of an American desert. But as for her virtuous husband, Isaac Johnson, Esq.,

. . . He try

To live without her, lik'd it not, and dy'd. His mourning for the death of his honorable consort was too bitter to be extended a *year*; about a month after *her* death, *his* ensued, unto the extreme loss of the whole plantation. But at the end of this perfect and upright man, there was not only *peace*, but *joy*; and his joy particularly expressed itself, that God had kept his eyes open so long as to see one church of the Lord Jesus Christ gathered in these ends of the earth, before his own going away to Heaven" — Mather, *Magnalia*, vol. i., p. 77. See also Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 234-237.

* *Massachusetts Colonial Records*, vol. i., pp. 62-63.

all assets and liabilities, being guaranteed 5 per cent. net profit on the business done, beside receiving half the profits of the fur trade, and monopolies of the salt industries, of the transportation to and from the colony and of furnishing the magazine at fixed rates, etc.* But though the trade was maintained by the colony with the adventurers in England for a number of years, it was with those personages as individuals and not as "undertakers," and by 1630 the joint-stock scheme seems to have disappeared.†

On April 30, 1629, the general court in England had created a subordinate court for the colony, consisting of the governor and council, and a General Court of the whole body of freemen, and on October 19, 1630, the first session of the court was held.‡ About 100 of the planters applied for admission as freemen, but the magistrates of the colony, in order to perpetuate their power, decided that only the assistants had the right of choosing the governor and deputy governor, of making laws, and of appointing officers to execute them. They therefore sought to obtain the assent of the settlers to an order to this effect. To the freemen was simply left the election of the assistants. This, however, was in violation of the patent and

was so acknowledged at the next session of the General Court. In May, 1631, the General Court held its second session and at that time enacted a remarkable law which laid the foundation for the government of Massachusetts for the next half century. "To the end that the body of commons may be preserved of good and honest men, it is ordered and agreed, that, for the time to come, no man shall be admitted to the freedom of the body politic, but such as are members of some of the churches within the limits of the same."* The number of citizens and voters was considerably reduced by this enactment, because, in view of the difficulties attendant upon joining the churches, only one fourth of the adult population ever became church members. This enactment practically amounted to an attempt to establish a theocracy, a reign of the saints on earth, and as every religious party in power considered it a duty to require conformity to the established order, so the Puritan settlers deemed it their duty to enforce this regulation with the aid of the civil magistrate.† This enactment not only deprived a greater part of the people of political rights,

* *Mass. Col. Recs.*, vol. i., p. 87. See also Brooks Adams, *The Emancipation of Massachusetts*, p. 28.

† Doyle, *English Colonies in America*, vol. II., pp. 109-111; Fiske, *Beginnings of New England*, p. 105 *et seq.*; Palfrey, *History of New England*, vol. i., p. 120 *et seq.*; Hildreth, vol. i., p. 189 *et seq.*; Bancroft, vol. i., p. 243 *et seq.*

* *Ibid.*, p. 62 *et seq.*

† For the details see Osgood, *American Colonies*, vol. i., pp. 148-150 and authorities cited.

‡ *Mass. Col. Recs.*, vol. i., p. 79; Bancroft, vol. i., p. 239.

but allowed the governing authorities to enact legislation which was characterized by a spirit of Puritanical severity. The harsh and rigid exclusiveness of this body toward those without was not long in producing the same bitter fruits of persecution of which they themselves had complained and to escape which they had fled from England. The ministers gained an undue degree of influence; individual freedom of action was interfered with by minute enactments;

all sorts of amusements, no matter how innocent, if they were judged to be inconsistent with the gravity of professing Christians, were discouraged and dispensed with and in their place devotional exercises substituted. As Mr. Hildreth says: "It was attempted, in fact, to make the colony, as it were, a convent of Puritan devotees—except in the allowance of marriage and money-making—subjected to all the rules of the stricter monastic orders."

APPENDIX TO CHAPTER V.

I. THE CHARTER OF NEW ENGLAND—1620.

JAMES, by the Grace of God, King of *England, Scotland, France, and Ireland*, Defender of the Faith, &c. to all whom these Presents shall come, *Greeting*, Whereas, upon the humble Petition of divers of our well disposed Subjects, that intended to make several Plantations in the Parts of *America*, between the Degrees of thirty-four and forty-five; We according to our princely Inclination, favouring much their worthy Disposition, in Hope thereby to advance the in Largement of Christian Religion, to the Glory of God Almighty, as also by that Meanes to streatch out the Bounds of our Dominions, and to replenish those Deserts with People governed by Lawes and Magistrates, for the peaceable Commerce of all, that in time to come shall have occasion to traffique into those Territoryes, granted unto Sir *Thomas Gates*, Sir *George Somers*, Knights, *Thomas Hamon*, and *Raleigh Gilbert*, Esquires, and of their Associates, for the more speedy Accomplishment thereof, by our Letters-Patent, bearing Date the Tenth Day of Aprill, in the Fourth Year of our Reign of *England, France, and Ireland*, and of *Scotland* the fourtieth, free Liberty to divide themselves into two several Collonyes; the one called the first Collonye, to be undertaken and advanced by certain Knights, Gentlemen, and Merchants, in and about our Cyty of London; the other called the Second Collonye, to be undertaken and advanced by certaine Knights, Gentlemen, and Merchants, and

their associates, in and about our Citties of *Briston, Exon*, and our Towne of *Plymouth*, and other Places, as in and by our said Letters-Patents, amongst other Things more att large it doth and may appeare. And whereas, since that Time, upon the humble Petition of the said Adventurers and Planters of the said first Collonye, We have been graciously pleased to make them one distinct and entire Body by themselves, giving unto them their distinct Lymitts and Bounds, and have upon their like humble Request, granted unto them divers Liberties, Priveliges, Enlargements, and Immunities, as in and by our severall Letters-Patents it doth and may more at large appeare. Now forasmuch as We have been in like Manner humbly petitioned unto by our trusty and well beloved Servant, Sir *Ferdinando Gorges*, Knight, Captain of our ffort and Island by *Plymouth*, and by certain the principal Knights and Gentlemen Adventurers of the said Second Collonye, and by divers other Persons of Quality, who now intend to be their Associates, divers of which have been at great and extraordinary Charge, and sustained many Losses in seeking and discovering a Place fitt and convenient to lay the Foundation of a hopeful Plantation, and have divers Years past by God's Assistance, and their own endeavours, taken actual Possession of the Continent hereafter mentioned, in our Name and to our Use, as Sovereign Lord thereof, and have settled already some of our

People in Places agreeable to their Desires in those Parts, and in Confidence of prosperous Success therein, by the Continuance of God's Devine Blessing, and our Royall Permission, have resolved in a more plentifull and effectual Manner to prosecute the same, and to that Purpose and Intent have desired of Us, for their better Encouragement and Satisfaction herein, and that they may avoide all Confusion, Questions, or Differences between themselves, and those of the said first Colonye, We would likewise be graciously pleased to make certaine Adventurers, intending to erect and establish fishery, Trade, and Plantacion, within the Territoryes, Precincts, and Lymitts of the said second Colony, and their Successors, one several distinct and entire Body, and to grant unto them, such Estate, Liberties, Privileges, Enlargements, and Immunities there, as in these our Letters-Patents hereafter particularly expressed and declared. And for asmuch as We have been certainly given to understand by divers of our good Subjects, that have for these many Years past frequented those Coasts and Territoryes, between the Degrees of Fourty and Fourty-Eight, that there is noe other the Subjects of any Christian King or State, by any Authority from their Sovereignes, Lords, or Princes, actually in Possession of any of the said Lands or Precincts, whereby any Right, Claim, Interest, or Title, may, might, or ought by that Meanes accrue, belong, or appertaine unto them, or any of them. And also for that We have been further given certainly to knowe, that within these late Yeares there hath by God's Visitation rained a wonderful Plague, together with many horrible Slaughters, and Murthers, committed amongst the Sauages and brutish People there, heertofore inhabiting, in a Manner to the utter Destruction, Deuastacion, and Depopulacion of that whole Territorye, so that there is not left for many Leagues together in a Manner, any that doe claime or challenge any Kind of Interests therein, nor any other Superiour Lord or Souveraigne to make Claime thereunto, whereby We in our Judgment are persuaded and satisfied that the appointed Time is come in which Almighty God in his great Goodness and Bountie towards Us and our People, hath thought fitt and determined, that those large and goodly Territoryes, deserted as it were by their naturall Inhabitants, should be possessed and enjoyed by such of our Subjects and People as heertofore have and hereafter shall by his Mercie and Favour, and by his Powerfull Arme, be directed and conducted thither. In Contemplacion and serious Consideracion whereof, Wee have thought it fitt according to our Kingly Duty,

soe much as in Us lyeth, to second and followe God's sacred Will, rendering reverend Thanks to his Divine Majestie for his gracious favour in laying open and revealing the same unto us, before any other Christian Prince or State, by which Meanes without Offence, and as We trust to his Glory, Wee may with Boldness goe on to the settling of soe hopefull a Work, which tendeth to the reducing and Conversion of such Sauages as remaine wandering in Desolacion and Distress, to Civil Societie and Christian Religion, to the Inlargement of our own Dominions, and the Advancement of the Fortunes of such of our good Subjects as shall willingly intresse themselves in the said Employment, to whom We cannot but give singular Commendations for their soe worthy Intention and Enterprize; Wee therefore, of our especiall Grace, mere Motion, and certaine Knowledge, by the Advice of the Lords and others of our Priuie Councell have for Us, our Heyrs and Successors, graunted, ordained, and established, and in and by these Presents, Do for Us, our Heirs and Successors, grant, ordaine and establish, that all that Circuit, Continent, Precincts, and Limitts in America, lying and being in Breadth from Fourty Degrees of Northerly Latitude, from the Equinoctiall Line, to Forty-eight Degrees of the said Northerly Latitude, and in length by all the Breadth aforesaid throughout the Maine Land, from Sea to Sea, with all the Seas, Rivers, Islands, Creekes, Inletts, Pors, and Havens, within the Degrees, Precincts, and Limitts of the said Latitude and Longitude, shall be the Limitts, and Bounds, and Precincts of the second Colony: And to the End that the said Territoryes may forever hereafter be more particularly and certainly known and distinguished, our Will and Pleasure is, that the same shall from henceforth be nominated, termed, and called by the Name of New-England, in America; and by that Name of New-England in America, the said Circuit, Precinct, Limitt, Continent, Islands, and Places in America, aforesaid, We do by these Presents, for Us, our Heyrs and Successors, name, call, erect, found and establish, and by that Name to have Continuance for ever.

And for the better Plantacion, ruling, and governing of the aforesaid New-England, in America, We will, ordaine, constitute, assigne, limitt and appoint, and for Us, our Heyrs and Successors, Wee, by the Advice of the Lords and others of the said priuie Councill, do by these Presents ordaine, constitute, limett, and appoint, that from henceforth, there shall be for ever hereafter, in our Towne of Plymouth, in the County of Devon,

one Body politicque and corporate, which shall have perpetuall Succession, which shall consist of the Number of fourtie Persons, and no more, which shall be, and shall be called and knowne by the Name the Councill established at Plymouth, in the County of Devon for the planting, ruling, ordering, and governing of New-England, in America; and for that Purpose Wee have, at and by the Nomination and Request of the said Petitioners, granted, ordained, established, and confirmed; and by these Presents, for Us, our Heyres and Successors, doe grant, ordaine, establish, and confirme, our right trusty and right well beloved Cosins and Councillors Lodovick, Duke of Lenox, Lord Steward of our Houshold, George Lord Marquess Buckingham, our High Admiral of England, James Marquess Hamilton, William Earle of Pembroke, Lord Chamberlaine of our Household, Thomas Earl of Arundel, and our right trusty and right well beloved Cosin, William Earl of Bathe, and right trusty and right well beloved Cosin and Councellor, Henry Earle of Southampton, and our right trusty and right well beloved Cousins, William Earle of Salisbury, and Robert Earle of Warwick, and our right trusty and right well beloved John Viscount Haddington, and our right trusty and well beloved Councellor Edward Lord Zouch, Lord Warden of our Cinque Ports, and our trusty and well beloved Edmond Lord Sheffield, Edward Lord Gorges, and our well beloved Sir Edward Seymour, Knight and Barronett, Sir Robert Manselle, Sir Edward Zouch, our Knight Marshall, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir Francis Popham, Sir John Brook, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecombe, Sir Allen Apsley, Sir Warwick Hale, Sir Richard Catchmay, Sir John Bouchier, Sir Nathaniel Rich, Sir Edward Giles, Sir Giles Mompeyson, and Sir Thomas Wroth, Knights; and our well beloved Matthew Sutcliffe, Dean of Exeter, Robert Heath, Esq; Recorder of our Cittie of London, Henry Bouchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Hamon, and John Argall, Esquires, to be and in and by these Presents; We do appoint them to be the first modern and present Councill established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of New-England, in America; and that they, and the Suruiours of them, and such as the Suruiours and Suruior of them shall, from tyme to tyme elect, and chuse, to make up the aforesaid Number of fourtie Persons, when, and as often as any of them, or any of their Successors shall happen to decease, or to be removed from

being of the said Councill, shall be in, and by these Presents, incorporated to have a perpetual Succession for ever, in Deed, Fact, and Name, and shall be one Bodye corporate and politicque; and that those, and such said Persons, and their Successors, and such as shall be elected and chosen to succeed them as aforesaid, shall be, and by these Presents are, and be incorporated, named, and called by the Name of the Councill established at Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America; and them the said Duke of Lenox, Marquess Buckingham, Marquess Hamilton, Earle of Pembroke, Earle of Arundell, Earle of Bathe, Earle of Southampton, Earle of Salisbury, Earle of Warwick, Viscount Haddington, Lord Zouch, Lord Sheffield, Lord Gorges, Sir Edward Seymour, Sir Robert Mansell, Sir Edward Zouch, Sir Dudley Diggs, Sir Thomas Roe, Sir fferdinando Gorges, Sir ffrancis Popham, Sir John Brooks, Sir Thomas Gates, Sir Richard Hawkins, Sir Richard Edgecombe, Sir Allen Apsley, Sir Warwick Heale, Sir Richard Catchmay, Sir John Bouchier, Sir Nathaniell Rich, Sir Edward Giles, Sir Giles Mompeyson, Sir Thomas Wroth, Knights; Matthew Sutcliffe, Robert Heath, Henry Bouchier, John Drake, Rawleigh Gilbert, George Chudley, Thomas Haymon, and John Argall, Esqrs. and their successors, one Body corporate and politick, in Deed and Name, by the Name of the Councell established att Plymouth, in the County of Devon, for the planting, ruling, and governing of New-England, in America. Wee do by these Presents, for Us, our Heyres and Successors, really and fully incorporate, erect, ordaine, name, constitute, and establish, and that by the same Name of the said Councill, they and their Successors for ever hereafter be incorporated, named, and called, and shall by the same Name have perpetual Succession. And further, Wee do hereby for Us, our Heires and Successors, grant unto the said Councill established att Plymouth, that they and their Successors, by the same Name, be and shall be, and shall continue Persons able and capable in the Law, from time to time, and shall by that Name, of Councill aforesaid, have full Power and Authority, and lawfull Capacity and Hability, as well to purchase, take, hold, receive, enjoy, and to have, and their Successors for ever, any Manors, Lands, Tenements, Rents, Royalties, Privileges, Immunities, Reversions, Annuities, Hereditaments, Goods, and Chattels whatsoever, of or from Us, our Heirs, and Successors, and of or from any other Person or Persons whatsoever, as well in and within this our Realme, of England,

as in and within any other Place or Places whatsoever or wheresoever; and the same Manors, Lands, Tenements, and Hereditaments, Goods or Chattels, or any of them, by the same Name to alien and sell, or to do, execute, ordaine and performe all other Matters and Things whatsoever to the said Incorporation and Plantation concerning and belonging.

And further, our Will and Pleasure is, that the said Councill, for the time being, and their Successors, shall have full Power and lawful authority, by the Name aforesaid, to sue, and be sued; implead, and to be impleaded; answer, and to be answered, unto all Manner of Courts and Places that now are, or hereafter shall be, within this our Realme and elsewhere, as well temporal as spiritual, in all Manner of Suits and Matters whatsoever, and of what Nature or Kinde soever such Suite or Action be or shall be. And our Will and Pleasure is, that the said flourty Persons, or the greater Number of them, shall and may, from time to time, and at any time hereafter, at their owne Will and Pleasure, according to the Laws, Ordinances, and Orders of or by them, or by the greater Part of them, hereafter in Manner and forme in these Presents mentioned, to be agreed upon, to elect and choose amongst themselves one of the said flourty Persons for the Time being, to be President of the said Councill, which President soe elected and chosen, Wee will, shall continue and be President of the said Councill for so long a Time as by the Orders of the said Councill, from time to time to be made, as hereafter is mentioned, shall be thought fitt, and no longer; unto which President, or in his Absence, to any such Person as by the Order of the said Councill shall be thereunto appointed. Wee do give Authority to give Order for the warning of the said Councill, and summoning the Company to their Meetings. And our Will and Pleasure is, that from time to time, when and so often as any of the Councill shall happen to decease, or to be removed from being of the said Councill, that then, and so often, the Survivors of them the said Councill, and no other, or the greater Number of them, who then shall be from time to time left and remaininge, and who shall, or the greater Number of which that shall be assembled at a public Court or Meeting to be held for the said Company, shall elect and choose one or more other Person or Persons to be of the said Councill, and which from time to time shall be of the said Councill, so that the Number of flourty Persons of the said Councill may from time to time be supplied: Provided always that as well the Persons herein named to be of

the said Councill, as every other Councillor hereafter to be elected, shall be presented to the Lord Chancellor of England, or to the Lord High Treasurer of Engand, or to the Lord Chamberlaine of the Household of Us, our Heires and Successors for the Time being, to take his and their Oath and Oathes of a Councillor and Councillors to Us, our Heirs and Successors, for the said Company and Collonye in New-England.

And further, Wee will and grant by these Presents, for Us, our Heires and Successors, unto the said Councill and their Successors, that they and their Successors shall have and enjoy for ever a Common Seale, to be engraven according to their Discretions; and that it shall be lawfull for them to appoint whatever Seale or Seales, they shall think most meete and necessary, either for their Use, as they are one united Body incorporate here, or for the publick of their Gouvernour and Ministers of New-England aforesaid, whereby the Incorporation may or shall seale any Manner of Instrument touching the same Corporation, and the Manors, Lands, Tenements, Rents, Reversions, Annuities, Hereditaments, Goods, Chattels, Affaires, and any other Things belonging unto, or in any wise appertaininge, touching, or concerning the said Councill and their Successors, or concerning the said Corporation and plantation in and by these our Letters-Patents as aforesaid founded, erected, and established.

And Wee do further by these Presents, for Us, our Heires and Successors, grant unto the said Councill and their Successors, that it shall and may be lawfull to and for the said Councill, and their Successors for the Time being, in their discretions, from time to time to admitt such and so many Person and Persons to be made free and enabled to trade traffick unto, within, and in New-England aforesaid, and unto every Part and Parcell thereof, or to have, possess, or enjoy, any Lands or Hereditaments in New-England aforesaid, as they shall think fitt, according to the Laws, Orders, Constitutions, and Ordinances, by the said Councill and their Successors from time to time to be made and established by Virtue of, and according to the true Intent of these Presents, and under such Conditions, Reservations, and agreements as the said Councill shall set downe, order and direct, and not otherwise. And further, of our especial Grace, certaine Knowledge, and mere Motion, for Us, our Heires and Successors, Wee do by these Presents give and grant full Power and Authority to the said Councill and their Successors, that the said Councill for the Time being, or the greater Part of them, shall and may, from time to time, nomi-

nate, make, constitute, ordaine, and confirme by such Name or Names, Style or Styles, as to them shall seeme Good; and likewise to revoke, discharge, change, and alter, as well all and singular, Governors, Officers, and Ministers, which hereafter shall be by them thought fitt and needful to be made or used, as well to attend the Business of the said Company here, as for the Government of the said Collony and Plantation, and also to make, ordaine, and establish all Manner of Orders, Laws, Directions, Instructions, Forms, and Ceremonies of Government and Magistracy fitt and necessary for and concerning the Government of the said Collony and Plantation, so always as the same be not contrary to the Laws and Statutes of this our Realme of England, and the same att all Times hereafter to abrogate, revoke, or change, not only within the Precincts of the said Collony, but also upon the Seas in going and coming to and from the said Collony, as they in their good Discretions shall thinke to be fittest for the good of the Adventurers and Inhabitants there.

And Wee do further of our especiall Grace, certaine Knowledge, and mere Motion, grant, declare, and ordain, that such principall Governor, as from time to time shall be authorized and appointed in Manner and Forme in these Presents heretofore expressed, shall haue full Power and Authority to use and exercise marshall Laws in Cases of Rebellion, Insurrection and Mutiny, in as large and ample Manner as our Lieutenants in our Counties within our Realme of England have or ought to have by Force of their Commission of Lieutenancy. And for as much as it shall be necessary for all our lovinge Subjects as shall inhabit within the said Precincts of New-England aforesaid, to determine to live together in the Feare and true Worship of Allmighty God, Christian Peace, and civil Quietness, each with other, whereby every one may with more Safety, Pleasure, and Profit, enjoye that whereunto they shall attaine with great Pain and Perill, Wee, for Us, our Heires and Successors, are likewise pleased and contented, and by these Presents do give and grant unto the said Council and their Successors, and to such Governors, Officers, and Ministers, as shall be by the said Councill constituted and appointed according to the Natures and Limitts of their Offices and Places respectively, that they shall and may, from time to time for ever heerafter, within the said Precincts of New-England, or in the Way by the Seas thither, and from thence have full and absolute Power and Authority to correct, punish, pardon, governe, and rule all such the Subjects of Us, our Heires and

Successors, as shall from time to time adventure themselves in any Voyage thither, or that shall att any Time heerafter inhabit in the Precincts or Territories of the said Collony as aforesaid, according to such Laws, Orders, Ordinances, Directions, and Instructions as by the said Councill aforesaid shall be established; and in Defect thereof, in Cases of Necessity, according to the good Discretions of the said Governors and Officers respectively, as well in Cases capitall and criminall, as civil, both marine and others, so allways as the said Statutes, Ordinances, and Proceedings, as near as conveniently may be, agreeable to the Laws, Statutes, Government and Policie of this our Realme of England. And furthermore, if any Person or Persons, Adventurers or Planters of the said Collony, or any other, att any Time or Times heerafter, shall transport any Moneys, Goods, or Merchandizes, out of any of our Kingdoms, with a Pretence or Purpose to land, sell, or otherwise dispose of the same within the Limitts and Bounds of the said Collony, and yet nevertheless being att Sea, or after he hath landed within any Part of the said Collony shall carry the same into any other florainge Country with a Purpose there to sell and dispose thereof, that then all the Goods and Chattels of the said Person or Persons so offending and transported, together with the Ship or Vessell wherein such Transportation was made, shall be forfeited to Us, our Heires and Successors.

And Wee do further of our especiall Grace, certaine Knowledge, and meere Motion for Us, our Heirs and Successors for and in Respect of the Considerations aforesaid, and for divers other good Causes and Considerations, us thereunto especially moving, and by the Advice of the Lords and Others of our said Privy Councill have absolutely giuen, granted, and confirmed, and do by these Presents absolutely give, grant, and confirm unto the said Councill, called the Councell established att Plymouth in the County of Devon for the planting, ruling, and governing of New-England in America, and unto their Successors for ever, all the aforesaid Lands and Grounds, Continent, Precinct, Place, Places and Territories, viz, the aforesaid Part of America, lying, and being in Breadth from flourty Degrees of Northerly Latitude from the Equinoctiall Line, to flourty-eight Degrees of the said Northerly Latitude inclusively, and in Length of, and within all the Breadth aforesaid, throughout the Maine Land from Sea to Sea, together also, with the Firme Lands, Soyles, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines, and Mineralls, as well Royall Mines of Gold and Silver, as other

Mine and Mineralls, precious Stones, Quarries, and all, and singular other Commodities, Jurisdiccions, Royalties, Privileges, Franchises, and Preheminences, both within the same Tract of Land upon the Maine, and also within the said Islands and Seas adjoining: Provided always, that the said Islands, or any of the Premises herein before mentioned, and by these Presents intended and meant to be granted, be not actually possessed or inhabited by any other Christian Prince or Estate, nor be within the Bounds, Limitts, or Territoryes, of that Southern Collony heretofore by us granted to be planted by diverse of our loving Subjects in the South Parts, to have and to hold, possess and enjoy, all, and singular, the aforesaid Continent, Lands, Territoryes, Islands, Hereditaments and Precincts, Sea Waters, Fishings, with all, and all Manner their Commodities, Royalties, Liberties, Preheminences, and Profitts, that shall arise from thence, with all and singular, their Appertenances, and every Part and Parcell thereof, and of them, to and unto the said Councell and their Successors and Assignes for ever, to the sole only and proper Use, Benefit, and Behooffe of them the said Council and their Successors and Assignes for ever, to be holden of Us, our Heires, and Successors, as of our Manor of East-Greenwich, in our County of Kent, in free and common Soccage and not in in Capite, nor by Knight's Service; yielding and paying therefore to Us, our Heires, our Successors, the fifth Part, of the Ores of Gold and Silver, which from time to time, and att all times hereafter, shall happen to be found, gotten, had, and obtained, in or within any the said Lands, Limitts, Territoryes, and Precincts, or in or within any Part or Parcell thereof, for, or in Respect of all, and all Manner of Dutys, Demands, and Services whatsoever, to be done, made, or paid to Us, our Heires, and Successors.

And Wee do further of our especiall Grace, certaine Knowledge, and meere Motion, for Us, and our Heires, and Successors, give and grant to the said Councell, and their Successors for ever by these Presents, that it shall be lawfull and free for them and their Assignes, att all and every time and times hereafter, out of our Realmes or Dominions whatsoever, to take, load, carry, and transport in, and into their Voyages, and for, and towards the said Plantation in New-England, all such and so many of our loveing Subjects, or any other Strangers that will become our loving Subjects, and live under our Allegiance, as shall willingly accompany them in the said Voyages and Plantation, with Shipping, Armour, Weapons, Ordinances, Munition, Powder, Shott,

Victuals, and all Manner of Cloathing, Implements, Furniture, Beasts, Cattle, Horses, Mares, and all other Things necessary for the said Plantation, and for their Use and Defence, and for Trade with the People there, and in passing and returning to and fro, without paying or yielding, any Custom or Subsidie either inwards or outwards, to Us, our Heires, or Successors, for the same, for the Space of seven Years, from the Day of the Date of these Presents, provided, that none of the said Persons be such as shall be hereafter by special Name restrained by Us, our Heire, or Successors.

And for their further Encouragement, of our especiall Grace and Favor, Wee do by these Presents for Us, our Heires, and Successors, yield and grant, to and with the said Councill and their Successors, and every of them, their Factors and Assignes, that they and every of them, shall be free and quitt from all Subsidies and Customes in New-England for the Space of seven Years, and from all Taxes and Impositions for the Space of twenty and one Yeares, upon all Goods and Merchandizes att any time or times hereafter, either upon Importation thither, or Exportation from thence into our Realme of England, or into any our Dominions by the said Councill and their Successors, their Deputies, ffactors, and Affignes, or any of them, except only the five Pounds *per Cent.* due for Custome upon all such Goods and Merchandizes, as shall be brot and imported into our Realme of England, or any other of our Dominions, according to the ancient Trade of Marchants; which five Pounds *per Cent.* only being paid, it shall be thenceforth lawfull and free for the said Adventurers, the same Goods and Merchandize to export and carry out of our said Dominions into fforraigne Parts, without any Custom, Tax, or other Duty to be paid to Us, our Heires, or Successors, or to any other Officers or Ministers of Us, our Heires, or Successors; provided, that the said Goods and Merchandizes be shipped out within thirteene Months after their first Landing within any Part of those Dominions.

And further our Will and Pleasure is, and Wee do by these Presents charge, command, warrant, and authorize the said Councill, and their Successors, or the major Part of them, which shall be present and assembled for that Purpose, shall from time to time under their comon Seale, distribute, convey, assigne, and sett over, such particular Portions of Lands, Tenements, and Hereditaments, as are by these Presents, formerly granted unto each our loveing Subjects, naturally borne or Denisons, or others, as well Adventurers as Planters, as by the said Company upon a

Comission of Survey and Distribution, executed and returned for that Purpose, shall be named, appointed, and allowed, wherein our Will and Pleasure is, that Respect be had as well to the Proportion of the Adventurers, as to the Special Service, Hazard, Exploit, or Meritt of any Person so to be recompensed, advanced, or rewarded, and wee do also, for Us, our Heires, and Successors, grant to the said Councell and their Successors and to all and every such Governours, other Officers, or Ministers, as by the said Councill shall be appointed to have Power and Authority of Government and Command in and over the said Collony and Plantation, that they and every of them, shall, and lawfully may, from time to time, and att all Times hereafter for ever, for their severall Defence and Safety, encounter, expulse, repel, and resist by Force of Arms, as well by Sea as by Land, and all Ways and Meanes whatsoever, all such Person and Persons, as without the speciall Licence of the said Councell and their Successors, or the greater Part of them, shall attempt to inhabitt within the said severall Precincts and Limitts of the said Collony and Plantation. And also all, and every such Person or Persons whatsoever, as shall enterprize or attempt att any time hereafter Destruction, Invasion, Detriment, or Annoyance to the said Collony and Plantation; and that it shall be lawfull for the said Councill, and their Successors, and every of them, from Time to Time, and att all Times heereafter, and they shall have full Power and Authority, to take and surprize by all Ways and Means whatsoever, all and every such Person and Persons whatsoever, with their Ships, Goods, and other Furniture, trafficking in any Harbour, Creeke, or Place, within the Limitts and Precinctes of the said Collony and Plantations, and not being allowed by the said Councill to be adventurers or Planters of the said Collony. And of our further Royall Favor, Wee have granted, and for Us, our Heires, and Successors, Wee do grant unto the said Councill and their Successors, that the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them, shall not be visited, frequented, or traded unto, by any other of our Subjects, or the Subjects of Us, our Heires, or Successors, either from any the Ports and Havens belonging or appertayning, or which shall belong or appertayne unto Us, our Heires, or Successors, or to any forraigne State, Prince, or Pottentate whatsoever: And therefore, Wee do hereby for Us, our Heires, and Successors, charge, command, prohibit and forbid all the Subjects of Us, our Heires, and Successors, of what Degree and Quality soever, they be, that none of them, di-

rectly, or indirectly, presume to vissitt, frequent, trade, or adventure to traffick into, or from the said Territoryes, Lands, Rivers, and Places aforesaid, or any of them other than the said Councill and their Successors, factors, Deputys, and Assignes, unless it be with the License and Consent of the said Councill and Company first had and obtained in Writing, under the comon Seal, upon Pain of our Indignation and Imprisonment of their Bodys during the Pleasure of Us, our Heires or Successors, and the Forfeiture and Loss both of theire Ships and Goods, wheresoever they shall be found either within any of our Kingdomes or Dominions, or any other Place or Places out of our Dominions.

And for the better effecting of our said Pleasure heerein Wee do heereby for Us, our Heires and Successors, give and grant full Power and Authority unto the said Councill, and their Successors for the time being, that they by themselves, their Factors, Deputyes, or Assignes, shall and may from time to time, and at all times heereafter, attach, arrest, take, and seize all and all Manner of Ship and Ships, Goods, Wares, and Merchandizes whatsoever, which shall be bro't from or carried to the Places before mentioned, or any of them, contrary to our Will and Pleasure, before in these Presents expressed. The Moyety or one halfe of all which Forfeitures Wee do hereby for Us, our Heires and Successors, give and grant unto the said Councill, and their Successors to their own proper Use without Accompt, and the other Moyety, or halfe Part thereof, Wee will shall be and remaine to the Use of Us, our Heires and Successors. And we likewise have condiscended and granted, and by these Presents, for Us, our Heires and Successors, do condiscend, and grant to and with the said Councill and their Successors, that Wee, our Heires or Successors, shall not or will not give and grant any Lybertye, License, or Authority to any Person or Persons whatsoever, to saile, trade, or trafficke unto the aforesaid parts of New-England, without the good Will and Likinge of the said Councill, or the greater Part of them for the Time beinge, att any their Courts to be assembled. And Wee do for us, our Heires and Successors, give and grant unto the said Councill, and their Successors, that whensoever, or so often as any Custome or Subsidie shall growe due or payable unto Us, our Heires or Successors, according to the Limitation and Appointment aforesaid by Reason of any Goods, Wares, Merchandizes, to be shipped out, or any Returne to be made of any Goods, Wares, or Merchandizes, unto or from New-England, or any the Lands, Territoryes aforesaid,

that then so often, and in such Case the ffarmers, Customers, and Officers of our Customes of England and Ireland, and every of them, for the Time being, upon Request made unto them by the said Councill, their Successors, ffactors, or Assignes, and upon convenient Security, to be given in that Behalfe, shall give and allowe unto the said Councill and their Successors, and to all Person and Persons free of the said Company as aforesaid, six Months Time for the Payment of the one halfe of all such Custome and Subsidie, as shall be due, and payable unto Us, our Heires and Successors for the same, for which these our Letters-patent, or the Duplicate, or the Enrolment thereof, shall be unto our said Officers a sufficient Warrant and Discharge. Nevertheless, our Will and Pleasure is, that if any of the said Goods, Wares, and Merchandizes, which be, or shall be, att any Time heereafter, anded and exported out of any of our Realmes aforesaid, and shall be shipped with a Purpose not to be carried to New-England aforesaid, that then such Payment, Duty, Custome, Imposition, or Forfeiture, shall be paid and belong to Us, our Heires, and Successors, for the said Goods, Wares, and Merchandices, so fraudulently sought to be transported, as if this our Grant had not been made nor granted: And Wee do for Us, our Heires and Successors, give and grant unto the said Councill and theire Successors for ever, by these Presents, that the said President of the said Company, or his Deputy for the Time being, or any two others of the said Councill, for the said Collony in New-England, for the Time beinge, shall and may, and att all Times heereafter, and from time to time, have full Power and Authority, to minister and give the Oath and Oaths of Allegiance and Supremacy, or either of them, to all and every Person and Persons, which shall att any Time and Times heereafter, goe or pass to the said Collony in New-England. And further, that it shall be likewise be lawful for the said President, or his Deputy for the Time being, or any two others of the said Councill for the said Collony of New-England for the Time being, from time to time, and att all Times heerafter, to minister such a formal Oath, as by their Discretion shall be reasonably devised, as well unto any Person and Persons employed or to be employed in, for, or touching the said Plantation, for their honest, faithful, and just Discharge of their Service, in all such Matters as shall be committed unto them for the Good and Benefit of the said Company, Collony, and Plantation, as also unto such other Person or Persons, as the said President or his Deputy, with two others of

the said Councill, shall thinke meete for the Examination or clearing of the Truth in any Cause whatsoever, concerning the said Plantation, or any Business from thence proceeding, or thereunto belonging.

And to the End that now lewd or ill-disposed Persons, Saylor, Soldiers, Artificers, Labourers, Husbandmen, or others, which shall receive Wages, Apparel, or other Entertainment from the said Councill, or contract and agree with the said Councill to goe, and to serve, and to be employed, in the said Plantation, in the Collony in New-England, do afterwards withdraw, hide, and conceale themselves, or refuse to go thither, after they have been so entertained and agreed withall; and that no Persons which shall be sent and employed in the said Plantation, of the said Collony in New-England, upon the Charge of the said Councill, doe misbehave themselves by mutinous Seditions, or other notorious Misdemeanors, or which shall be employed, or sent abroad by the Governour of New England or his Deputy, with any Shipp or Pinnace, for Provision for the said Collony, or for some Discovery, or other Business or Affaires concerninge the same, doe from thence either treacherously come back againe, or returne into the Realme of Englande by Stealth, or without Licence of the Governour of the said Collony in New-England for the Time being, or be sent hither as Misdoers or Offenders; and that none of those Persons after theire Returne from thence, being questioned by the said Councill heere, for such their Misdemeanors and Offences, do, by insolent and contemptuous Carriage in the Presence of the said Councill shew little Respect and Reverence, either to the Place or Authority in which we have placed and appointed them and others, for the clearing of their Lewdness and Misdemeanors committed in New-England, divulge vile and scandalous Reports of the Country of New-England, or of the Government or Estate of the said Plantation and Collony, to bring the said Voyages and Plantation into Disgrace and Contempt, by Meanes whereof, not only the Adventurers and Planters already engaged in the said Plantation may be exceedingly abused and hindered, and a great number of our loveing and well-disposed Subjects, otherways well affected and inclined to joine and adventure in so noble a Christian and worthy Action may be discouraged from the same, but also the Enterprize itself may be overthrowne, which cannot miscarry without some Dishonour to Us and our Kingdome: Wee, therefore, for preventing so great and enormous Abuses and Misdemeanors, Do, by these Presents for Us, our Heires, and Successors, give

and grant unto the said President or his Deputy, or such other Person or Persons, as by the Orders of the said Councill shall be appointed by Warrant under his or their Hand or Hands, to send for, or cause to be apprehended, all and every such Person and Persons, who shall be noted, or accused, or found at any time or times hereafter to offend or misbehave themselves in any the Affaires before mentioned and expressed; and upon the Examination of any such Offender or Offenders, and just Proove made by Oathe taken before the said Councill, of any such notorious Misdemeanours by them committed as aforesaid, and also upon any insolent, contemptuous, or irreverent Carriage or Misbehaviour, to or against the said Councill, to be shewed or used by any such Persons or Persons so called, convened, and appearing before them as aforesaid, that in all such Cases, our said Councill, or any two or more of them for the Time being, shall and may have full Power and Authority, either heere to bind them over with good Sureties for their good Behaviour, and further therein to proceed, to all Intents and Purposes as it is used in other like Cases within our Realme of England, or else at their Discretions to remand and send back the said offenders, or any of them, to the said Collony of New-England, there to be proceeded against and punished as the Governour's Deputy or Councill there for the Time being, shall think meete, or otherwise according to such Laws and Ordinances as are, and shall be, in Use there, for the well ordering and good Government of the said Collony.

And our Will and Pleasure is, and Wee do hereby declare to all Christian Kings, Princes, and States, that if any Person or Persons which shall hereafter be of the said Collony or Plantation, or any other by License or Appointment of the said Councill, or their Successors, or otherwise, shall at any time or times heereafter, rob or spoil, by Sea or by Land, or do any Hurt, Violence, or unlawful Hostillity to any of the Subjects of Us, our Heires, or Successors, or any of the Subjects of any King, Prince, Ruler, or Governour, or State, being then in League and Amity with Us, our Heires and Successors, and that upon such Injury, or upon just Complaint of such Prince, Ruler, Governour, or State, or their Subjects, Wee, our Heires, or Successors shall make open Proclamation within any of the Ports of our Realme of England commodious for that Purpose, that the Person or Persons having committed any such Robbery or Spoile, shall within the Term limited by such a Proclamation, make full Restitution or Satisfaction of all such In-

juries done, so as the said Princes or other, so complaining, may hold themselves fully satisfied and contented. And if that the said Person or Persons having committed such Robbery or Spoile, shall not make or cause to be made Satisfaction accordingly within such Terme so to be limited, that then it shall be lawful for Us, our Heires, and Successors, to put the said Person or Persons out of our Allegiance and Protection; and that it shall be lawful and free for all Princes to prosecute with Hostillity the said Offenders and every of them, their, and every of their Procurers, Aidors, Abettors, and Comforters in that Behalfe. Also, Wee do for Us, our Heires, and Successors, declare by these Presents, that all and every the Persons, beinge our Subjects, which shall goe and inhabitt within the said Collony and Plantation, and every of their Children and Posterity, which shall happen to be born within the Limitts thereof, shall have and enjoy all Liberties, and franchises, and Immunities of free Denizens and naturall Subjects within any of our other Dominions, to all Intents and Purposes, as if they had been abidinge and born within this our Kingdome of England, or any other our Dominions.

And lastly, because the principall Effect which we can desire or expect of this Action, is the Conversion and Reduction of the People in those Parts unto the true Worship of God and Christian Religion, in which Respect, Wee would be loath that any Person should be permitted to pass that Wee suspected to affect the Superstition of the Chh of Rome, Wee do hereby declare that it is our Will and Pleasure that none be permitted to pass, in any Voyage from time to time to be made into the said Country, but such as shall first have taken the Oathe of Supremacy; for which Purpose, Wee do by these Presents give full Power and Authority to the President of the said Councill, to tender and exhibit the said Oath to all such Persons as shall at any time be sent and imployed in the said Voyage. And Wee also for us, our Heires and Successors, do covenant and grant to and with the Councill, and their Successors, by these Presents, that if the Councill for the time being, and their Successors, or any of them, shall at any time or times heereafter, upon any Doubt which they shall conceive concerning the Strength or Validity in Law of this our present Grant, or be desirous to have the same renewed and confirmed by Us, our Heires and Successors, with Amendment of such Imperfections and Defects as shall appear fitt and necessary to the said Councill, or their Successors, to be reformed and amended on the Be-

halfe of Us, our Heires and Successors, and for the furthering of the Plantation and Government, or the Increase, continuing, and flourishing thereof, that then, upon the humble Petition of the said Councill for the time being, and their Successors, to us, our Heires and Successors, Wee, our Heires and Successors, shall and will forthwith make and pass under the Great Seall of England, to the said Councill and their Successors, such further and better Assurance, of all and singular the Lands, Grounds, Royalties, Privileges, and Premises aforesaid granted, or intended to be granted, according to our true Intent and Meaneing in these our Letters-patents, signified, declared, or mentioned, as by the learned Councill of Us, our Heires, and Successors, and of the said Company and their Successors shall, in that Behalfe, be reasonably devised or advised. And further our Will and Pleasure is, that in all Questions and Doubts, that shall arise upon any Difficulty of Instruction or Interpretation of any Thing contained in these our Letters-patents, the same shall be taken and Interpretedd in most ample and beneficial Manner, for the said Council and their Successors, and every Member thereof. And Wee do further for Us, our Heires and Successors, charge and comand all and singular Admirals, Vice-Admirals, Generals, Commanders,

Captaines, Justices of Peace, Majors, Sheriffs, Bailiffs, Constables, Customers, Comptrollers, Waiters, Searchers, and all the Officers of Us, our Heires and Successors, whatsoever to be from time to time, and att all times heereafter, in all Things aiding, helping, and assisting unto the said Councill, and their Successors, and unto every of them, upon Request and Requests by them to be made, in all Matters and Things, for the furtherance and Accomplishment of all or any the Matters and Things by Us, in and by these our Letters-patents, given, granted, and provided, or by Us meant or intended to be given, granted, and provided, as they our said Officers, and the Officers of Us, our Heires and Successors, do tender our Pleasure, and will avoid the contrary att their Perills. And Wee also do by these Presents, ratifye and confirm unto the said Councill and their Successors, all Priveliges, franchises, Liberties, Immunities granted in our said former Letters-patents, and not in these our Letters-patents revoked, altered, changed or abridged, altho' Expressed, Mentioned, &c.

In Witness, &c.

Witnes our selfe at *Westminster*, the Third Day of November, in the Eighteenth Yeare of our Reign over England, &c.

Par Breve de Privato Sigillo, &c.

II. A GRANT OF THE PROVINCE OF MAINE TO SIR FERDINANDO GORGES AND JOHN MASON, ESQ., 10TH OF AUGUST, 1622.

This indenture, made the 10th day of August, Anno Dom. 1622, and in the 20th yeare of the reigne of our Sovereigne Lord James, by the grace of God King of England, Scotland, France and Ireland, Defender of the faith, &c. Between the President and councill of New-England on the one part, and Sir Ferdinando Gorges, of London, Knight, and Captain John Mason, of London, Esquire, on y^e other part: *Witnesseth*, that whereas our said Sovereigne Lord King James, for the making of a plantation and establishing a colony or colonyes in y^e country called or knowne by y^e names of New-England in America, hath, by his Highness' Letters Patents, under the Great Seale of England, bearing date at Westmr. the 3d day of November, in the 18th yeare of his reigne, given, granted and confirmed unto the Right Honorable Lodowick, Duke of Lenox; George, Marquis of Buckingham; James, Marquis Hamilton; Thomas, Earl of Arundell; Robert, Earl of Warwick; Sir Ferdinando Gorges, Knt., and divers others whose names are expressed in y^e said Letters Patents, and their successors and

assignes, that they shall be one Body Politique and Corporate perpetuall, and that they should have pereptual succession, &c., and one comon seale or seales, to serve for the said Body, and that they and their successors shall be known, called and incorporated by the name of the President and Councill established at Plymouth in the county of Devon, for the planting, ruling and governing of New-England in America; and also hath, of his especiall grace, certaine knowledge and meer motion, for him, his heyres and successors; and given, granted and confirmed unto the said President and councill, and their successors, under the reservacons, limitacons and declaracons in the said Letters Patents expressed, all that part or porcon of that country now commonly called New-England wch is situate, lying and being between the latitude of forty and forty-eight degrees northerly latitude, together with the seas and islands lying within one hundred miles of any part of the said coasts of the country aforesaid; and also all the lands, soyle, grounds, havens, ports, rivers,

mines, as well royal mines of gold and silver, as other mines, minerals, pearls and pretious stones, woods, quarries, marshes, waters, fishings, hunting, hawking, fowling, commodities and hereditaments whatsoever, together with all prerogatives, jurisdictions, royaltya, privileges, franchises and preliminaries within any of the said territories and precincts thereof whatsoever. To have, hold, possess and enjoy, all and singular, the said lands and premises, in the said Letters Patent granted and menconed to be granted, unto the said President and councill, their successors and assignes for ever; to be holden of his Majesty, his heyers and successors, as of his Highness Manor of East Greenwich, in the county of Kent, in free and common socage and not in capite or by Knts. service — yielding and paying to the Kings Majestie, his heyers and successors, the one fifth part of all gold and silver oare that from time to time, and at all times from the date of the said Letters Patents, shall be there gotten, had or obtayned for all services, dutyes and demands as in and his highness said Letters Patents amongst other divers things therein containd, more fully and at large it doth appeare. And whereas the said President and Councill have, upon mature deliberacon, thought fitt, for the better furnishing and furtherance of the plantation in those parts to appropriate and allot to severall and particular persons divers parcels of lands within the precincts of the aforesaid granted premises by his Majesty's said Letters Patents.

Now this indenture witnesseth, that ye said President and council, of their full, free and mutual consent, as well to the end that all the lands, woods, lakes, rivers, waters, islands and fishings, with all other the traffics, profits and commodities whatever to them or any of them belonging, and hereafter in these presents menconed may be wholly and entirely invested, appropriated, severed and settled in and upon ye said Ferdinando Gorges and Capt. John Mason, their heyers and assignes forever, as for divers speciall services for the advancement of the sd plantacons and other good and sufficient causes and considerations, them especially thereunto moving, have given granted bargained sould assigned aliened set over enfeofed and confirmed and by these presents doe give grant bargain sell assigne alien set over and confirm unto ye said Ferdinando Gorges and Capt. John Mason, their heirs and assignes, all that pat of the main land in New-England lying upon the sea-coast betwixt ye rivers of Merrimack and Sagadahock, and to the furthest heads of the said rivers, and soe for-

wards up into the land westward until three-score miles be finished from ye first entrance of the aforesaid rivers, and halfway over; that is to say, to the midst of the said two rivers wch bounds and limitts the lands aforesaid together wth all the islands and isletts within five leagues distance of ye premises and abutting upon ye same or any part or parcell thereof.

As also all the lands, soyle, grounds, harbors, ports, rivers, mines, mineralls, pearls, pretious stones, woods, quarries, marshes, waters, fishings, hunting, hawking, fowling, and other commodities and hereditaments whatsoever; with all and singular their appurtenances, together with all prerogatives, rights, royaltyes, jurisdictions, privileges, franchises, liberties, preheminences, marine power, in and upon ye said seas and rivers; as also all escheats and casualties thereof, as flotson, jetson, lagon, with anchorage, and other such duties, immunities, sects, isletts and appurtenances whatsoever, with all the estate, right title, interest, and claim and demands whatsoever wch ye said President and councill, and their successors, of right ought to have or claim in or to the said porcons of lands, rivers, and other ye said premises, as is aforesaid by reason or force of his highness' said Letters Patents, in as free, large, ample and beneficial manner, to all intents, constructions and purposes whatsoever, as in and by the said Letters Patents ye same are among other things granted to the said President and councill aforesaid, except two fifths of the oare of gold and silver in these part hereafter expressed, wth said porcons of lands, wth ye appurtenances, the said Sr. Ferdinando Gorges and Capt. John Mason, with the consent of ye President and Councill, intend to name The Province of Maine. To have and to hould all the said porcons of land, islands, rivers and premises as aforesaid, and all and singular other ye commodityes and hereditaments hereby given, granted, aliened, enfeofed and confirmed, or menconed or intended by these presents to be given, granted, aliened, enfeofed and confirmed, with all and singular ye appurtenances and every part and parcell thereof, unto the said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes for ever, to be holden of his said Majesty, his heirs and successors, as of his Highness Manor of East-Greenwich, in the county of Kent, in free and common socage, and not in capite or by Knight's service. Nevertheless, with such exceptions reservacons, limatacons and declaracons as in the said Letters Patents are at large expressed; yielding and paying unto our Sovereign Lord the King, his heyres and succes-

more, the fifth part of all ye oare of gold and silver that from time to time, and att all times hereafter, shall be there gotten, had and obtayned, for all services, duties, and demanda. And also yielding and paying unto the said President and councill, and their successors, yerely the sum of tenn shillings English money, if it be demanded. And the said President and councill, for them and their successors, doe covenant and grant to and with the said Sr. Ferdinando Gorges and Capt. John Mason, their heirs and assigns, from and after the ensealing and delivery of these presents, according to the purport, true intent and meaning of these presents, that they shall from henceforth, from time to time for ever, peaceably and quietly have, hold, possess and enjoy, all ye aforesaid lands, islands, rivers and premises, with ye appurtenances hereby before given and granted, or menconed or intended to be hereby before given and granted, and every part and parcell thereof, without any litt, disturbance, denyal, trouble, interrupcon, or evacon of or by the said President and councill, or any person or persons whatsoever, claiming by, from, or under them, or their successors, or by or under their estate, right, title or interest. And ye said President and councill, for them and their successors, doe further covenant and grant, to and with ye said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes, by these presents, that they, ye said President and Council, at all times hereafter, upon reasonable request, at ye only proper costs and charges in the law of ye said Sr. Ferdinando Gorges and Capt. John Mason, their heyres and assignes, doe make, perform, suffer, execute, and willingly consent unto any further act or acts, conveyance or conveyances, assurance or assurances whatsoever, for ye good and perfect investing, assuring and conveying, and sure making, of all the aforesaid porcons of lands, islands, rivers and all and singular their appurtenances, to ye said Sr. Ferdinando Gorges and capt. John Mason, their heyres and assigns, as by them, their heires and assignes, or by his or their, or any of their councill, learned in the law shall be devised, advised or required. And further, it is agreed by and between the said parties to these presents, and ye said Sr. Ferdinando Gorges and Capt. John Mason, for them, their heyres, executors, administrators and assignes, doe covenant to and with the said president and council, and their successors, by these presents that if at any time hereafter there shall be found any oare of gold and silver within the ground in any part of the said premises, that then they, the said Sr. Ferdinando

Gorges and Capt. John Mason, their heyers and assignes, shall yield and pay unto the said President and councill, their successors and assignes, one fifth part of all such gold and silver oare as shall be found within and upon ye premises, and digged and brought above ground to be delivered above ground, and that always within reasonable and convenient time, if it be demanded after the finding, getting, and digging up of such oare as aforesaid, without fraud or covin, and according to the true intent and meaning of these presents.

And the said Sr. Ferdinando Gorges and Capt. John Mason doe further covenant for them, their heyres and assignes, that they will establish such government in the said porcons of lands and islands granted unto them, and the same will from time to time continue, as shall be agreeable, as neere as may be to the laws and customs of the realme of England; and if they shall be charged at any time to have neglected their duty therein, that thus they well conforme the same according to the directions of the President and councill; or in default thereof it shall be lawful for any of the aggrieved inhabitants and planters, being tenn's upon ye said lands, to appeal to ye chief courts of justices of the President and councill. And ye sd Sr. Ferdinando Gorges and Capt. John Mason doe covenant and grant, to and with ye said President and councill, their successors and assigns, by these presents, that they, the said Sr. Ferdinando Gorges and Capt. John Mason, Sr. Ferdinando Gorges and Capt. John Mason, shall and will, before the expiracon of three years, to be accounted from the day of the date hereof, have in or upon the said porcons of lands, or some part thereof; one parte with a competent guard, and ten families at least of his Majestie's subjects resident and being in and upon ye same premises; or in default thereof shall and will forfeit and loose to the said President and councill the sum of one hundred pounds sterling money; and further, that if the said Sr. Ferdinando Georges and Capt. John Mason, their heires or assigns, shall at any time hereafter alien these premises, or any part thereof, to any foraigne nations, or to any person or persons of any foraigne nation, without the special license, consent, and agreement of the said President and councill, their successors and assignes, that then the part or parts of the said lands so alienated, shall immediately return back to the use of the said President and Council. And further Know ye, that ye said President and Council have made, constituted, deputed, authorized and appointed, and in their place and stead do put Capt Robert Gorges, or, in his absence, to any other

person that shall be their governor or other officer, to be their true and lawful attorney, and in their name and stead to enter the said poicons of lands, and other the premises wth their appurtenances, or into some part thereof in name of the whole, for them and in their name to have and take possession and siezin thereof, or some part thereof in the name of the whole, so had and taken, there for them, and in their names to deliver the full and peaceable possession and siezin of all and singular the said granted premises unto the said Sr. Ferdinando Gorges and Capt. John Mason, or to their certaine attorney or attorneys in that behalf, according to the true

intent and meaning of these presents, ratifying and confirming and allowing all and whatsoever their said attorney shall doe in or about the premises by these presents. In witness whereof to one part of these presents indentures, remaining in the hands of Sir Ferdinando Gorges and Capt. John Mason, the said President and coun-cill have caused their common seal to be affixed, and to the other of these present indentures, remaining in the custody of the said President and coun-cill, the said Sir Ferdinando Gorges and Capt. John Mason have put to their hands and seals. Given the day and year first above written.

III. CHARTER OF THE COLONY OF NEW PLYMOUTH GRANTED TO WILLIAM BRADFORD AND HIS ASSOCIATES.

To all to whom these presents shall come greeting: Whereas our late sovereigne lord king James for the advancement of a collonie and plantaçon in the cuntry called or knowne by the name of New Englande in America, by his highnes letters pattents under the great seale of Englande bearinge date att Westminster the third day of November in the eighteenth yeare of his highnes raigne of England, &c. did give graunte and confirme unto the right honoble Lodowicke late lord duke of Lenox, George late marques of Buckingham, James marques Hamilton, Thomas earle of Arundell, Robert earle of Warwicke and Ferdinando Gorges, Knight, and divers others whose names are expressed in the said letters pattents and their successors that they should be one bodie pollitique and corporate perpeturely consistinge of forty persons, and that they should have perpetual succession and one common seale to serve for the said body and that they and their successors should be incorporated called and knowne by the name of the Councill established at Plymouth in the county of Devon for the planting, rulinge orderinge and governinge of New Englande in America, and alsoe of his speciall grace certaine knowledge and mure motion did give graunte and confirme unto the said presidente and coun-cill and their successors forever under the reservations limitations and declaraçons in the said letters pattents expressed, all that part and portion of the said country called New-England in America scituate, and lyinge and being in breadth from ffourty degrees northerly latitude from the equinoctiall line of ffourty-eight degrees of the said northerly latitude inclusively, and in length of and in all the breadth aforesaide throughout the maine land from sea to sea, together alsoe with all the firme

landes soyles grounds creeks inlets havens portes seas rivers islands waters fishinges mynes and mineralls as well royall mines of gold and silver as other mines and mineralls pretious stones quarries and all and singular the commodities jurisdiction royalties privileges franchises and preheminenes both within the said tracte of lands upon the maine, as also within the said islands and seas adioyninge: To have hold possesse and enjoy all and singular the foresaid continente landes territories islands hereditaments and p'oints sea waters fishinges with all and all manner their commodities royalties privileges preheminenes and proffitts that shall arise from thence, with all and singular their appurtenances and every parte and parcell thereof unto the said coun-cill and their successors and assignes forever: To be holden of his Ma^{tye}, his heirs and successors as of his mannor of Etas Greenwich in the county of Kent in free and common socage and not *in capite* nor by Knights service yeeldinge and payinge therefore to the said late Kings Ma^{tye}, his heirs and successors the ffte parte of the oare of gold and silver which from tyme to tyme and att all tymes from the date of the said letters pattents sholbe there gotten had and obtained for and in respect of all and all manner of duties demands and services whatsoever to be done made and paid unto his said late Ma^{tye}, his heirs and successors as in and by the said letters pattents amongst sundry other privileges and matters therein contained more fully and at large it doth and may appeare. Now knowe ye that the said coun-cill by virtue and authority of his said late Ma^{tye} letters pattents and for and in consideraçon that William Bradford and his associatts have for these nine yeares lived in New Englande aforesaid and have there inhab-

ited and planted a towne called by the name of New Plimouth att their own proper costs and charges: And now seeinge that by the speciall providence of God, and their extraordinary care and industry they have increased their planta^{on} to neere three hundred people, and are uppon all occasions able to relieve any new planters or others his Ma^{ties} subjects whoe may fall uppon that coaste; have given graunted bargained sould enfeoffed allotted assigned and sett over and by these presents doe cleerly and absolutely give graunt bargainne sell alien enfeoffe allott assigne and confirme unto the said William Bradford, his heires associatts and assignes all that part of New-Englande in America aforesaid and tractes and tractes of lande that lye within or betweene a certaine rivolet or rundlet there commonly called Coa hassett alias Cona hassett towards the north, and the river commonly called Naragansets river towards the south; and the great westernne ocean towards the east, and betweene and within a straight line directly extendinge upp into the maine land towards the west from the mouth of the said river called Naragansetts river to the utmost limitts and bounds of a cuntry or place in New Englande called Pokenacutt alias Sowamsett westward, and another like straight line extendinge itself directly from the mouth of the said river called Coahassett alias Cona hassett towards the west so farr upp into the maine lande westwardes as the utmost limits of the said place or cuntry commonly called Pokencutt alias Sowamsett doe extend, together with one half of the said river called Naragansetts and the said rivolett or rundlett called Coahassett alias Conahassett and all lands rivers waters havens creeks ports fishings fowlings and all hereditaments proffitts comodities and emoluments whatsoever situate lyinge and beinge or ariseinge within or betweene the said limitts and bounds or any of them. And for as much as they have noe conveniente place either of tradinge or ffishinge within their own precincts whereby (after soe longe travell and great paines,) so hopefull a planta^{on} may subsiste, as alsoe that they may bee encouraged the better to proceed in soe pious a worke which may especially tend to the propagation of religion and the great increase of trade to his Ma^{ties} realmes, and advancemente of the publike planta^{on}, the said councell have further given graunted bargained sold enfeoffed allotted assigned and sett over and by these presentes doe cleerly and absolutely give graunte bargainne sell alien enfeoffe allott assigne and confirme unto the said William Bradford his heires associatts and assignes all that tracte of lande or parte of

New England in America aforesaid w^{ch} lyeth within or betweene and extendeth itself from the utmost limitts of Cobbiseconte alias Comasee-Conte which adjoineth to the river of Kenebeke alias Kenebekike towards the westernne ocean and a place called the falls att Mequamkike in America aforesaid, and the space of fiftene Englishe miles on each side of the said river commonly called Kenebek river, and all the said river called Kenebek that lies within the said limitts and bounds eastward westward northward or southward laste above mentioned, and all lands grounds soyles river waters fishings hereditam^{ts} and proffitts whatsoever situate lyinge and beinge arisinge happeninge or accueinge, or which shall arise happen or accrue in or within the said limitts and boundes or either of them together with free ingresse egresse and regresse with shippes boates shallopps and other vessels from the sea commonly called the westernne ocean to the said river called Kennebek and from the said river to the said westernne ocean, together with all prerogatives rights royalties jurisdictiones, preveledges franchises liberties and guerenities, and alsoe marine liberty with the escheats and casualties thereof the Admiralty Jurisdiction excepted with all the interest right title claime and demande whatsoever which the said councell and their successors now have or ought to have and claime or may have and acquire hereafter in or to any the said por^{ons} or tractes of land hereby men^{on}ed to be graunted, or any the premisses in as free large ample and beneficiall manner to all intents, construccions and purposes whatsoever as the said councell by virtue of his Ma^{ties} said letters pattents may or can graunte; to have and to holde the said tracte and tractes of lande and all and singular the premisses above men^{on}ed to be graunted with their and every of their appurtenances to the said William Bradford his heires associatts and assignes forever, to the only proper and absolute use and behoofe of the said William Bradford his heires associatts and assignes forever; Yeeldinge and payinge unto our said soveraigne Lord the Kinge, his heires and successors forever one-fifte parte of the oare of the mines of gold and silver and one other fifte parte thereof to the presidente and councell, which shall be had possessed and obtained within the precincts aforesaid for all services and demands whatsoever. And the said councell doe further graunt and agree to and with the said William Bradford his heires associatts and assignes and every of them, his and their ffactors agents tenants and servants and all such as hee or they shall send and employ aboute his said

particular plantaçon, shall and may from tyme to tyme freely and lawfully goe and returne trade and traffique as well with the Englishe as any of the natives within the preceints aforesaid, with liberty of fishing upon any parte of the sea coaste and sea shoares of any the seas or islands adjacente and not beinge inhabited or otherwise disposed of by order of the said presidente and councill: also to importe exporte and transporte their goods and merchandize att their wills and pleasures paying only such duty to the Kings Ma^{tie}, his heires and successors as the said Presidente and councill doe or ought to pay without any other taxes impositions burdens and restraints upon them to be imposed. And further the said councill doe graunt and agree to and with the said William Bradford his heires associatts and assignes, that the persons transported by him or any of them shall not be taken away, ymployed or commanded either by the Governor for the tyme beinge of New Englande or by any other authority there, from the business and employmente of the said William Bradford and his associatts his heires and assignes; necessary [to the] defence of the cuntry preservaçon of the peace suppressinge of tumults within the lands, trialls in matters of justice by appeale upon spetiall occasion only excepted. Alsoe it shall be lawfull and free for the said William Bradford his associatts his heires and assignes att all tymes hereafter to incorporate by some usual or fitt name and title, him or themselves or the people there inhabitinge under him or them with liberty to them and their successors from tyme to tyme to frame, and make orders ordinances and constituçons as well for the better governmente of their affairs here and the receavinge or admittinge any to his or their society as alsoe for the better governmt of his or their people and affaires in New Englande or of his and their people att sea in goeing thither, or returninge from thence, and the same to putt in execuçon or cause to be putt in execuçon by such officers and ministers as he and they shall authorize and depute: Provided that the said lawes and orders be not repugnant to the lawes of Englande, or the frame of governmente by the said presidente and councill hereafter to be established. And further it shall be lawfull and free for the said William Bradford, his heires associatts and assignes to transporte cattle of all kinds, alsoe powder shot ordnance and muniçon from tyme to tyme as shal be necessary for their strength and safety hereafter for their several defence; to encounter expulse repell and resiste by force of armes as well by sea as by lande, by

all waies and means whatsoever. And by virtue of the authority to us derived by his said late Ma^{tie} letters pattents to take apprehend seize and make prize of all such persons their shippes and goods as shall attempte to inhabite or trade with the savage people of that cuntry within the severall precincts and limitts of his and their severall plantaçon, or shall enterprise or attempt att any tyme destruccion invasion detriment or annoyance to his and their said plantaçon; the one moiety of which goods soe siezed and taken it shal be lawfull for the said William Bradford his heires associatts and assignes to take to their own use and behoofe; the other moiety thereof to be delivered by the said William Bradford his heires associatts and assignes to such officer and officers as shalbe appointed to receive the same for his Ma^{tie} use. And the said councill do hereby covenante and declare that it is their intente and meaninge for the good of this plantaçon that the said William Bradford his associatts his or their heires or assignes shall have and enjoy whatsoever privilege or privileges of what kinde soever, as are expressed or intended to be graunted in and by his said late Ma^{tie} letters pattents, and that in as large and ample manner as the said councill thereby now may or hereafter can graunte, coyninge of money excepted. And the said councill for them and their successors doe covenante and graunte to the said William Bradford, his heires associates and assignes by these presents, that they the said councill shall at any time hereafter upon request att the only proper costs and charges of the said William Bradford, his heires associatts and assignes doe make suffer execute and willingly consent unto any further act or actes, conveyance or conveyances, assurance or assurances whatsoever, for the good and perfect investinge assureinge and conveyinge and sure makinge of all the aforesaid tracte and tractes of landes royalties mines mineralls woods fishinges and all and singular their appurtenances, unto the said William Bradford his heires associatts and assignes as by him or them or his or their heires or assignes, or his or their councill learned in the law shalbe devised, advised and required. And lastly know yee that wee the said councill have made constituted deputed authorized and appointed Captaine Miles Standish, or in his absence Edward Winslowe, John Howlande and John Alden, or any of them to be our true and lawfull attorney and attornies jointly and severally in our name and steed to enter into the said tracte and tractes of lande and other the premises with their appurtenances, or into some parte thereof

in the name of the whole for us and in our names to take possession and seisin thereof, and after such possession and seisin thereof or of some parte thereof in the name of the whole had and taken; then for us and in our names to deliver the full and peaceable possession and seisin of all and singular the said menconed tobe graunted premisses unto the said William Bradford his heires associatts and assignes or to his or their certaine attorney or attornies in that behalf rati-fyinge alloweing and confirminge all whatsoever

our said attorney doe in or about the premisses. In witness whereof, the said counsell established att Plimouth in the county of Devon for the plantinge rulinge orderinge and governinge of New England in America have hereunto putt their seale the thir teenth day of January in fifte yeare of the raigne of our Sovereigne Lord Charles by the grace of God, Kinge of Englande Scotland Fraunce and Ireland defender of the faith &c. Anno Domⁱ 1629.

R. WARWICKE.

IV. THE CHARTER OF MASSACHUSETTS BAY—1629.

CHARLES, BY THE GRACE OF GOD, Kinge of England, Scotland, Fraunce, and Ireland, Defendor of the Fayth, &c. To ALL to whome theis Presents shall come Greeting. WHEREAS, our most Deare and Royall Father, Kinge James, of blessed Memory, by his Highnes Letters-patents bearing Date at Westminster the third Day of November, in the eighteenth yeare of his Raigne, HATH given and graunted vnto the Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, and to their Successors and Assignes for ever, all that Parte of America, lyeing and being in Breadth, from Forty Degrees of Northerly Latitude from the Equinoctiall Lyne, to forty eight Degrees of the saide Northerly Latitude inclusively, and in Length, of and within all the Breadth aforesaid, throughout the Maine Landes from Sea to Sea; together also with all the Firme Landes, Soyles, Groundes, Havens, Portes, Rivers, Waters, Fishing, Mynes, and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls, precious Stones, Quarries, and all and singular other Commodities, Jurisdiccions, Royalties, Priviledges, Franchiesies, and Prehemynences, both within the said Tract of Land vpon the Mayne, and also within the Islandes and Seas adjoining: PROVIDED alwayes, That the saide Islandes, or any the Premisses by the said Letters-patents intended and meant to be graunted, were not then actualle possessed or inhabited, by any other Christian Prince or State, nor within the Boundes, Lymitts, or Territories of the Southerne Colony, then before graunted by our saide Deare Father, to be planted by divers of his loveing Subiects in the South Partes. To HAVE and to houlde, possess, and enjoy all and singular the aforesaid Continent, Landes, Territories, Islandes, Hereditaments, and Precincts, Seas, Waters, Fishings, with all, and all manner their Commodities, Royalties, Liberties, Prehemynences, and Profitts

that should from thenceforth arise from thence, with all and singular their Appurtenances, and every Parte and Parcell thereof, vnto the saide Councell and their Successors and Assignes for ever, to the sole and proper Vse, Benefitt, and Behoofe of them the saide Councell, and their Successors and Assignes for ever: To be houlden of our saide most Deare and Royall Father, his Heires and Successors, as of his Mannor of East Greenwich in the County of Kent, in free and common Soccage, and not in Capite nor by Knight's Service: YEILDINGE and paying therefore to the saide late Kinge, his heires and Successors, the fifte Parte of the Oare of Gould and Silver, which should from tyme to tyme, and at all Tymes then after happen to be found, gotten, had, and obteyned in, att, or within any of the saide Landes, Lymitts, Territories, and Precincts, or in or within any Parte or Parcell thereof, for or in Respect of all and all Manner of Duties, Demaunds anr Services whatsoever, to be don, made, or paide to our saide Dear Father the late Kinge his Heires and Successors, as in and by the saide Letters-patents (amongst sundrie and other Clauses, Powers, Priviledges, and Grauntes therein conteyned), more at large appeareth:

AND WHEREAS, the saide Councell established at Plymouth, in the County of Devon, for the plantinge, ruling, ordering, and governing of Newe England in America, have by their Deede, indented vnder their Comon Seale, bearing Date the nyneteenth Day of March last past, in the third Yeare of our Raigne, given, graunted, bargained, soulded, enfeofed, aliened, and confirmed to Sir Henry Roswell, Sir John Young, Knights, Thomas Southcott, John Humphrey, John Endecott, and Symon Whetcombe, their Heires and Assignes, and their Associats for ever, all that Parte of Newe England in America aforesaid, which lyes and extendes betweene a greate River there comonlie called Monomack alias Merriemack, and a certen other River there, called Charles

River, being in the Bottome of a certayne Bay there, cōmonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay, and also all and singuler those Landes and Hereditaments whatsoever, lyeing within the Space of three English Myles on the South Parte of the said Charles River, or of any, or everie Parte thereof; and also, all and singuler the Landes and Hereditaments whatsoever, lyeing and being within the Space of three English Myles to the Southward of the Southermost Parte of the saide Bay called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also, all those Landes and Hereditaments whatsoever, which lye, and be within the space of three English Myles to the Northward of the said River called Monomack, alias Merrymack, or to the Northward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lyeing within the Lymitts aforesaide, North and South in Latitude and bredth, and in Length and Longitude, of and within all the Bredth aforesaide, throughout the Mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes and Wood Groundes, Havens, Portes, Rivers, Waters, Fishings, and Hereditaments whatsoever, lyeing within the said Boundes and Lymitts, and everie Parte and Parcell thereof; and also, all Islandes lyeing in America aforesaide, in the saide Seas or either of them on the Western or Eastern Coastes or Partes of the said Tractes of Lande, by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeoffed, aliened, and confirmed, or any of them; and also, all Mynes and Myneralls, as well Royall Mynes of Gould and Silver, as other Mynes and Myneralls whatsoever, in the saide Lands and Premisses, or any Parte thereof; and all Jurisdiccons, Rights, Royalties, Liberties, Freedomes, Ymmunities, Priviledges, Franchises, Preheminenes, and Comodities whatsoever, which they, the said Councell established at Plymouth, in the County of Devon, for the planting, ruling, ordering, and governing of Newe England in America, then had, or might vse, exercise, or enjoy, in or within the saide Landes and Premisses by the saide Indenture mencōed to be given, graunted, bargained, sould, enfeoffed, and confirmed, or in or within any Parte or Parcell thereof:

To HAVE and to hould, the saide Parte of Newe England in America, which lyes and extendes and is abutted as aforesaide, and every Parte and Parcell thereof; and all the saide Islandes, Rivers, Portes, Havens, Waters, Fishings, Mynes,

and Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Comodities, Hereditaments, and Premisses whatsoever, with the Appurtenances vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts, to the onlie proper and absolute vse and Behoofe of the said Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and their Associatts forevermore; To BE HOULDEN of Vs, our Heires and Successors, as of our Mannor of Eastgreenwich, in the County of Kent, in free and cōmon Soccage, and not in Capite, nor by Knights Service; YEILDING and payeing therefor vnto Vs, our Heires and Successors, the fiftte Parte of the Oare of Goulde and Silver, which shall from Tyme to Tyme, and at all Tymes hereafter, happen to be founde, gotten, had, and obteyned in any of the saide Landes, within the saide Lymitts, or in or within any Parte thereof, for, and in Satisfaccion of all manner Duties, Demaundes, and Services whatsoever to be donn, made, or paid to Vs, our Heires or Successors, as in and by the said recited Indenture more at large maie appeare.

Nowe Knowe Yee, that Wee, at the humble Suite and Peticon of the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and of others whome they have associated vnto them, HAVE, for divers good Causes and considerations, vs moveing, graunted and confirmed, and by theis Presents of our especiall Grace, certain Knowledge, and meere Mocon, doe graunt and confirme vnto the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, and to their Associatts hereafter named; (videlicet) Sir Richard Saltonstall, Knight, Isaack Johnson, Samuel Aldersey, John Ven, Mathew Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuell Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes, all the saide Parte of Newe England in America, lyeing and extending betwene the Boundes and Lymytts in the said recited Indenture expressed, and all Landes and Groundes, Place and Places, Soyles, Woods and Wood Groundes, Havens, Portes, Rivers, Waters, Mynes, Mineralls, Jurisdiccons, Rightes, Royalties, Liberties, Freedomes, Immunities, Priviledges, Franchises, Pre-

beminences, Hereditaments, and Comodities whatsoever, to them the saide Sir Henry Rosewell, Sir John Younge, Thomas Southcott, John Humfrey, John Endecott, and Simon Whetcombe, their Heires and Assignes, and to their Associates, by the saide recited Indenture, given, graunted, bargayned, solde, enfeofed, aliened, and confirmed, or mencoed, or intended thereby to be given, graunted, bargayned, sold, enfeofed, aliened, and confirmed: To HAVE, and to hould, the saide Parte of Newe England in America, and other the Premisesses hereby mencoed to be graunted and confirmed, and every Parte and Parcell thereof with the Appurtenances, to the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel Vasall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, William Vasall, William Pinchion, and George Foxcroft, their Heires and Assignes forever, to their onlie proper and absolute Use and Behoofe for evermore; To be holden of Us, our Heires and Successors, as of our Mannor of Eastgreenewich aforesaid, in free and common Socage, and not in Capite, nor by Knights Service; AND ALSO YEILDING and paying therefore to Us, our Heires and Successors, the fiftte parte onlie of all Ore of Gould and Silver, which from tyme to tyme, and att all tymes hereafter shalbe there gotten, had, or obteyned, for all Services, Exacons and Demaundes whatsoever, according to the Tenure and Reservacoon in the said recited Indenture expressed.

AND FURTHER, knowe yee, that of our more especiall Grace, certain Knowledge, and meere motion, Wee have given and graunted, and by their Presents, doe for Us, our Heires and Successors, give and graunte vnto the saide Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Symon Whetcombe, Isaack Johnson, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Pery, Richard Bellingham, Nathaniel Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes, all that Parte of Newe England in America, which lyes and extendes betweene a great River there,

comonlie called Monomack River, alias Merrimack River, and a certain other River there, called Charles River, being in the Bottom of a certain Bay there, comonlie called Massachusetts, alias Mattachusetts, alias Massatusetts Bay; and also all and singular those Landes and Hereditaments whatsoever, lying within the Space of Three English Myles on the South Parte of the said River, called Charles River, or of any or every Parte thereof; and also all and singular the Landes and Hereditaments whatsoever, lying and being within the Space of Three English Miles to the southward of the southernmost Parte of the said Baye, called Massachusetts, alias Mattachusetts, alias Massatusetts Bay: And also all those Landes and Hereditaments whatsoever, which lye and be within the Space of Three English Myles to the Northward of the saide River, called Monomack, alias Merrymack, or to the Norward of any and every Parte thereof, and all Landes and Hereditaments whatsoever, lying within the Lymitts aforesaid, North and South, in Latitude and Breadth, and in Length and Longitude, of and within all the Breadth aforesaid, throughout the mayne Landes there, from the Atlantick and Western Sea and Ocean on the East Parte, to the South Sea on the West Parte; and all Landes and Groundes, Place and Places, Soyles, Woodes, and Wood Groundes, Havens, Portes, Rivers, Waters, and Hereditaments whatsoever, lying within the said Boundes and Lymitts, and every Parte and Parcell thereof; and also all Islandes in America aforesaid, in the saide Seas, or either of them, on the Western or Eastern Coastes, or Partes of the saide Tracts of Landes hereby mencoed to be given and graunted, or any of them; and all Mynes and Mynerals as well Royal mynes of Gold and Silver and other mynes and mynerals, whatsoever, in the said Landes and Premisesses, or any parte thereof, and free Libertie of fishing in or within any the Rivers or Waters within the Boundes and Lymitts aforesaid, and the Seas therevnto adjoining; and all Fishes, Royal Fishes, Whales, Balan, Sturgions, and other Fishes of what Kinde or Nature soever, that shall at any time hereafter be taken in or within the saide Seas or Waters, or any of them, by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel Vassell, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne; Thomas Hutchins, Wil-

liam Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes, or by any other person or persons whatsoever there inhabiting, by them, or any of them, to be appointed to fishe therein.

PROVIDED alwayes, That yf the said Landes, Islandes, or any other the Premisses herein before menconed, and by theis presents, intended and meant to be graunted, were at the tyme of the graunting of the saide former Letters patents, dated the Third Day of November, in the Eighteenth Yeare of our said deare Fathers Raigne aforesaid, actuallie possessed or inhabited by any other Christian Prince or State, or were within the Boundes, Lymytts or Territories of that Southerne Colony, then before graunted by our said late Father, to be planted by divers of his loveing subiects in the south partes of America, That then this present Graunt shall not extend to any such partes or parcells thereof, soe formerly inhabited, or lyeing within the Boundes of the Southerne Plantacon as aforesaid, but as to those partes or parcells soe possessed or inhabited by such Christian Prince or State, or being within the Bounders aforesaide shall be utterlie voyd, theis presents or any Thing therein conteyned to the contrarie notwithstanding. To HAVE and hould, possesse and enioye the saide partes of New England in America, which lye, extend, and are abutted as aforesaide, and every parte and parcell thereof; and all the Islandes, Rivers, Portes, Havens, Waters, Fishings, Fishes, Mynes, Myneralls, Jurisdiccons, Franchises, Royalties, Liberties, Priviledges, Commodities, and Premisses whatsoever, with the Appurtenances, vnto the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuella Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuella Vassall, Theophilus Eaton, Thomas Adams, John Browne, Samuella Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, their Heires and Assignes forever, to the onlie proper and absolute Vse and Behoufe of the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuella Aldersey, John Ven, Mathewe Cradocke, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuella Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuella Browne, Thomas Hutchins, William Vassall, William

Pinchion, and George Foxcroft, their Heires and Assignes forevermore To BE HOLDEN of Vs, our Heires and Successors, as, of our Manor of Eastgreenwich in our Countie of Kent, within our Realme of England, in free and comon Soccage, and not in Capite, nor by Knights Service; and also yeilding and paying therefore, to Vs, our Heires and Successors, the fiftte Parte onlie of all Oare of Gould and Silver, which from tyme to tyme, and at all tymes hereafter, shall be there gotten, had, or obteyned, for all Services, Exacons, and Demaundes whatsoever; PROVIDED alwaies, and our expresse Will and Meaninge is, that onlie one fiftte Parte of the Gould and Silver Oare above menconed, in the whole, and noe more be reserved or payeable vnto Vs, our Heires and Successors, by Collour or Vertue of theis Presents, the double Reservations or rentals aforesaid or any Thing herein conteyned notwithstanding. AND FORASMUCH, as the good and prosperous Successe of the Plantacon of the saide Partes of Newe-England aforesaide intended by the said Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endecott, Simon Whetcombe, Isaack Johnson, Samuella Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuella Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuella Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, to be speedily sett vpon, cannot but chiefly depend, next vnder the Blessing of Almighty God, and the support of our Royall Authoritie vpon the good Government of the same, To the Ende that the Affaires and Buysinneses which from tyme to tyme shall happen and arise concerning the saide Landes, and the Plantation of the same maie be the better mannaged and ordered, WEE HAVE FURTHER hereby of our especial Grace, certain Knowledge and mere Modon, Given, graunted and confirmed, and for Vs, our Heires and Successors, doe give, graunt, and confirme vnto our said trustie and welbeloved subiects Sir Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Simon Whetcombe, Isaack Johnson, Samuella Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Nowell, Richard Perry, Richard Bellingham, Nathaniell Wright, Samuella Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuella Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft: AND for Vs, our Heires and Successors, Wee will and ordeyne, That the saide Sir

Henry Rosewell, Sir John Younge, Sir Richard Saltonstall, Thomas Southcott, John Humfrey, John Endicott, Symon Whetcombe, Isaack Johnson, Samuel Aldersey, John Ven, Mathewe Cradock, George Harwood, Increase Noell, Richard Pery, Richard Bellingham, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Goffe, Thomas Adams, John Browne, Samuel Browne, Thomas Hutchins, William Vassall, William Pinchion, and George Foxcroft, and all such others as shall hereafter be admitted and made free of the Company and Society hereafter mencōed, shall from tyme to tyme, and att all tymes forever hereafter be, by Vertue of theis presents, one Body corporate and politique in Fact and Name, by the Name of the Governor and Company of the Mattachusetts Bay in Newe-England, and them by the name of the Governour and Company of the Mattachusetts Bay in Newe-England, one Bodie politique and corporate, in Deede, Fact, and Name; Wee doe for vs, our Heires and Successors, make, ordeyne, constitute, and confirme by theis Presents, and that by that name they shall have perpetuall Succession, and that by the same Name they and their Successors shall and maie be capeable and enabled aswell to implead, and to be impleaded, and to prosecute, demaund, and aunswere, and be aunsweread vnto, in all and singuler Suites, Causes, Quarrels, and Accōns, of what kinde or nature soever. And also to have, take, possesse, acquire, and purchase any Landes, Tenements, or Hereditaments, or any Goodes or Chattells, and the same to lease, graunte, demise, alien, bargain, sell, and dispose of, as other our liege People of this our Realme of England, or any other corporacon or Body politique of the same may lawfully doe.

AND FURTHER, That the said Governour and Companye, and their Successors, maie have forever one comon Seale, to be vsed in all Causes and Occasions of the said Company, and the same Seale may alter, chaunge, breake, and newe make, from tyme to tyme, at their pleasures. And our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and graunte, That from henceforth for ever, there shalbe one Governor, one Deputy Governor, and eightene Assistants of the same Company, to be from tyme to tyme constituted, elected and chosen out of the Freemen of the saide Company, for the twyme being, in such Manner and Forme as hereafter in theis Presents is expressed, which said Officers shall applie themselves to take Care for the best disposing and ordering of the generall buyssines and Affaires of, for, and concerning the said

Landes and Premisses hereby mencōed, to be graunted, and the Plantacion thereof, and the Government of the People there. AND FOR the better Execucon of our Royall Pleasure and Graunte in this Behalf, WEE doe, by theis presents, for Vs, our Heires and Successors, nominate, ordeyne, make, & constitute; our welbeloved the saide Mathewe Cradocke, to be the first and present Governor of the said Company, and the saide Thomas Goffe, to be Deputy Governor of the saide Company, and the saide Sir Richard Saltonstall, Isaack Johnson, Samuel Aldersey, John Ven, John Humfrey, John Endecott, Simon Whetcombe, Increase Noell, Richard Pery, Nathaniell Wright, Samuel Vassall, Theophilus Eaton, Thomas Adams, Thomas Hutchins, John Browne, George Foxcroft, William Vassall, and William Pinchion, to be the present Assistants of the saide Company, to continue in the saide several Offices respectivelie for such tyme, and in such manner, as in and by theis Presents is hereafter declared and appointed.

AND FURTHER, Wee will, and by theis Presents, for Vs, our Heires and Successors, doe ordeyne and graunte, That the Governor of the saide Company for the tyme being, or in his Absence by Occasion of Sicknes or otherwise, the Deputie Governor for the tyme being, shall have Authoritie from tyme to tyme vpon all Occasions, to give order for the assembling of the saide Company, and calling them together to consult and advise of the Bussinesses and Affaires of the saide Company, and that the said Governor, Deputie Governor, and Assistants of the saide Company, for the tyme being, shall or maie once every Moneth, or oftener at their Pleasures, assemble and houlde and keepe a Courte or Assemblie of themselves, for the better ordering and directing of their Affaires, and that any seaven or more persons of the Assistants, together with the Governor, or Deputie Governor soe assembled, shalbe saide, taken, held, and reputed to be, and shalbe a full and sufficient Courte or Assemblie of the said Company, for the handling, ordering, and dispatching of all such Buysinesses and Occurrents as shall from tyme to tyme happen, touching or concerning the said Company or Plantacon; and that there shall or maie be held and kept by the Governor or Deputie Governor of the said Company, and seaven or more of the said Assistants for the tyme being, vpon every last Wednesday in Hillary, Easter, Trinity, and Michas Termes respectivelie forever, one greate generall and solempne assemblie, which foure generall assemblies shalbe stiled and called the foure greate and generall Courts of the saide

Company; IN all and every, or any of which saide greate and generall Courts soe assembled, WEE DOE for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, That the Governor, or in his absence, the Deputie Governor of the saide Company for the tyme being, and such of the Assistants and Freeman of the saide Company as shalbe present, or the greater number of them so assembled, whereof the Governor or Deputie Governor and six of the Assistants at the least to be seaven, shall have full Power and authoritie to choose, nominate, and appointe, such and soe many others as they shall thinke fitt, and that shall be willing to accept the same, to be free of the said Company and Body, and them into the same to admitt; and to elect and constitute such Officers as they shall thinke fitt and requisite, for the ordering, managing, and dispatching of the Affaires of the saide Governor and Company, and their Successors; And to make Lawes and Ordinances for the Good and Welfare of the saide Company, and for the Government and ordering of the saide Landes and Plantacon, and the People inhabiting and to inhabite the same, as to them from tyme to tyme shalbe thought meete, soe as such Lawes and Ordinances be not contrarie or repugnant to the Lawes and Statuts of this our Realme of England. AND, our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, establish and ordeyne, That yearely once in the yeare, for ever hereafter, namely, the last Wednesday in Easter Tearme, yearely the Governor, Deputy-Governor, and Assistants of the saide Company and all other officers of the saide Company shalbe in the Generall Court or Assembly to be held for that Day or Tyme, newly chosen for the Yeare ensueing by such greater parte of the said Company, for the Tyme being, then and there present, as is aforesaide. AND, yf it shall happen the present governor, Deputy Governor, and assistants, by theis presents appointed, or such as shall hereafter be newly chosen into their Roomes, or any of them, or any other of the officers to be appointed for the said Company, to dye, or to be removed from his or their severall Offices or Places before the saide generall Day of Eleccōn (whome Wee doe hereby declare for any Misdemeanor or Defect to be removable by the Governor, Deputie Governor, Assistants, and Company, or such greater Parte of them in any of the publique Courts to be assembled as is aforesaid) That then, and in every such Case, it shall and maie be lawfull, to and for the Governor, Deputie Governor, Assistants, and Company aforesaide, or such greater Parte of them

soe to be assembled as is aforesaide, in any of their Assemblies, to proceade to a new Eleccōn of one or more others of their Company in the Roome or Place, Roomes, or Places of such Officer or Officers soe dyeing or removed according to their Discrecons, And, ymmediately vpon and after such Eleccōn and Eleccōns made of such Governor, Deputie Governor, Assistant or Assistants, or any other officer of the saide Company, in Manner and Forme aforesaid, the Authoritie, Office, and Power, before given to the former Governor, Deputie Governor, or other Officer and Officers soe removed, in whose Steade and Place newe shabe soe chosen, shall as to him and them, and everie of them, cease and determine.

PROVIDED alsoe, and our Will and Pleasure is, That aswell such as are by theis Presents appointed to be the present Governor, Deputie Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen as aforesaid, shall, before they vndertake the Execucon of their saide Offices and Places respectivelie, take their Corporal Oathes for the due and faithfull Performance of their Duties in their severall Offices and Places, before such Person or Persons as are by theis Presents herevnder appointed to take and receive the same; That is to saie, the saide Mathewe Cradock, whoe is hereby nominated and appointed the present Governor of the saide Company, shall take the saide Oathes before one or more of the Masters of our Courte of Chauncery for the Tyme being, vnto which Master or Masters of the Chauncery, Wee doe by theis Presents give full Power and Authoritie to take and administer the said Oathe to the said Governor accordinglie: And after the saide Governor shalbe soe sworne, then the said Deputy Governor and Assistants, before by theis Presents nominated and appointed, shall take the said severall Oathes to their Offices and Places respectivelie belonging, before the said Mathew Cradock, the present Governor, soe formerlie sworne as aforesaide. And every such person as shallbe at the Tyme of the annuall Eleccōn, or otherwise, vpon Death or Removeall, be appointed to be the newe Governor of the said Company, shall take the Oathes to that Place belonging, before the Deputy Governor, or two of the Assistants of the said Company at the least, for the Tyme being: And the newe elected Deputie Governor and Assistants, and all other officers to be hereafter chosen as aforesaide from Tyme to Tyme, to take the Oathes to their places respectivelie belonging, before the Governor of the said Company for the Tyme being, vnto which said Governor, Deputie Governor,

and assistants, Wee doe by theis Presents give full Power and Authoritie to give and administer the said Oathes respectively, according to our true Meaning herein before declared, without any Comission or further Warrant to be had and obteyned of our Vs, our Heires or Successors, in that Behalf. AND, Wee doe further, of our especial Grace, certen Knowledge, and meere mooon, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors for ever by theis Presents, That it shalbe lawfull and free for them and their Assignes, at all and every Tyme and Tymes hereafter, out of any our Realmes or Domynions whatsoever, to take, leade, carry, and transport, for in and into their Voyages, and for and towards the said Plantacon in Newe England, all such and soe many of our loving Subjects, or any other strangers that will become our loving Subjects, and live under our Allegiance, as shall willinglie accompanie them in the same Voyages and Plantacon; and also Shipping, Armour, Weapons, Ordinance, Municon, Powder, Shott, Corne, Victualls, and all Manner of Clothing, Implements, Furniture, Beastes, Cattle, Horses, Mares, Merchandizes, and all other Things necessarie for the saide Plantacon, and for their Vse and Defence, and for Trade with the People there, and in passing and returning to and fro, any Lawe or Statute to the contrarie hereof in any wise notwithstanding; and without payeing or yeilding any Custome or Subsidie, either inward or outward, to Vs, our Heires or Successors, for the same, by the Space of seaven Yeares from the Day of the Date of theis Presents. PROVIDED, that none of the saide Persons be such as shalbe hereafter by especiall Name restrayned by Vs, our Heires or Successors. AND, for their further Encouragement, of our especiall Grace and Favor, Wee doe by theis Presents, for Vs, our Heires and Successors, yeild and graunt to the saide Governor and Company, and their Successors, and every of them, their Factors and Assignes, That they and every of them shalbe free and quitt from all Taxes, Subsidies, and Customes, in Newe England, for the like Space of seaven Yeares, and from all Taxes and Imposicoons for the Space of twenty and one Yeares, vpon all Goodes and Merchandizes at any Tyme or Tymes hereafter, either vpon Importacon thither, or Exportacon from thence into our Realme of England, or into any other our Domynions by the said Governor and Company, and their Successors, their Deputies, Factors, and Assignes, or any of them; EXCEPT onlie the five Pounds per Centum due for Custome vpon all such Goodes and Merchandizes

as after the saide seaven yeares shalbe expired, shalbe brought or imported into our Realme of England, or any other of our Dominions, according to the auncient Trade of Merchants, which five Pounds per Centum onlie being payde, it shall be thence forth lawfull and free for the said Adventurers, the same Goodes and Merchandizes to export and carry out of our said Domynions into forraigne Partes without any Custome, Tax, or other Dutie to be paid to Vs, our Heires or Successors, or to any other Officers or Ministers of Vs, our Heires and Successors. PROVIDED, that the said Goodes and Merchandizes be shipped out within thirteene Monethes, after their first Landing within any Parte of the saide Domynions.

AND, Wee doe for Vs, our Heires and Successors, give and graunte vnto the saide Governor and Company, and their Successors, That whensoever, or soe often as any Custome or Subsidie shall growe due or payeable vnto Vs, our Heires, or Successors, according to the Lymittacon and Appointment aforesaide, by Reason of any Goodes, Wares, or Merchandizes to be shipped out, or any Retorne to be made of any Goodes, Wares, or Merchandize vnto or from the said Partes of Newe England hereby monced to be graunted as aforesaid, or any the Landes or Territories aforesaide, That then, and soe often, and in such Case, the Farmors, Customers, and officers of our Customes of England and Ireland, and everie of them for the Tyme being, vpon Request made to them by the saide Governor and Company, or their Successors, Factors, or Assignes, and vpon convenient Security to be given in that Behalf, shall give and allowe vnto the saide Governor and Company, and their Successors, and to all and everie Person and Persons free of that Company, as aforesaide six Monethes Tyme for the Payment of the one halfe of all such Custome and Subsidy as shalbe due and payeable unto Vs, our Heires, and Successors, for the same; for which theis our Letters patent, or the Duplicate, or the inrollment thereof, shalbe vnto our saide Officers a sufficient Warrant and Discharge. NEVERTHELES, our Will and Pleasure is, That yf any of the saide Goodes, Wares, and Merchandize, which be, or shalbe at any Tyme hereafter landed or exported out of any of our Realmes aforesaide, and shalbe shipped with a Purpose not to be carried to the Partes of Newe England aforesaide, but to some other place, That then such Payment, Dutie, Custome, Imposicon, or Forfeiture, shalbe paid, or belonge to Vs, our Heires and Successors, for the said Goodes, Wares, and Merchandize, soe fraudulently sought to be transported, as yf this our Graunte had not been made nor graunted. AND,

Wee doe further will, and by theis Presents, for Vs, our Heires and Successors, firmlie enioine and comaunde, as well the Treasurer, Chauncellor and Barons of the Exchequer, of Vs, our Heires and Successors, as also all and singuler the Customers, Farmers, and Collectors of the Customes, Subsidies, and Imposts, and other the Officers and Ministers of Vs, our Heires and Successors whatsoever, for the Tyme Being, That they and every of them, vpon the shewing forth vnto them of theis Letters patents, or the Duplicate or exemplificacōn of the same, without any other Writt or Warrant whatsoever from Vs, our Heires or Successors, to be obteyned or sued forth, doe and shall make full, whole, entire, and due Allowance, and cleare Discharge vnto the saide Governor and Company, and their Successors, of all Customes, Subsidies, Imposicōns, Taxes and Duties whatsoever, that shall or maie be claymed by Vs, our Heires and Successors, of or from the said Governor and Company, and their Successors, for or by Reason of the said Goodes, Chattells, Wares, Merchandizes, and Premises to be exported out of our saide Domynions, or any of them, into any parte of the saide Landes or Premises hereby mencōed, to be given, graunted, and confirmed, or for, or by Reason of any of the saide Goodes, Chattells, Wares, or Merchandizes to be imported from the said Landes and Premises hereby mencōed, to be given, graunted, and confirmed into any of our saide Dominions, or any Parte thereof as aforesaid, excepting onlie the saide five Poundes per Centum hereby reserved and payable after the Expiracōn of the saide Terme of seaven Yeares as aforesaid, and not before: And theis our Letters-patents, or the Inrollment, Duplicate, or Exemplificacōn of the same shalbe for ever hereafter, from time to tyme, as well to the Treasurer, Chauncellor and Barons of the Exchequer of Vs, our Heires and Successors, as to all and singuler the Customers, Farmers, and Collectors of the Customes, Subsidies, and Imposts of Vs, our Heires and Successors, and all Searchers, and other the Officers and Ministers whatsoever of Vs, our Heires and Successors, for the Time being, a sufficient Warrant and Discharge in this Behalf.

AND, further our Will and Pleasure is, and Wee doe hereby for Vs, our Heires and Successors, ordeyne and declare, and graunte to the saide Governor and Company, and their Successors, That all and every the Subjects of Vs, our Heires or Successors, which shall goe to and inhabite within the saide Landes and Premises hereby mencōed to be graunted, and every of their Children which shall happen to be borne there, or on

the Seas in goinge thither, or retorning from thence, shall have and enjoy all liberties and Immunities of free and naturall Subiects within any of the Domynions of Vs, our Heires or Successors, to all Intents Construccōns and Purposes whatsoever as yf they and everie of them were borne within the Realme of England. And that the Governor and Deputie Governor of the said Company for the Tyme being or either of them, and any two or more of such of the saide Assistants as shalbe therevnto appointed by the saide Governor and Company at any of their Courts or Assemblies to be held as aforesaide, shall and maie at all Tymes, and from tyme to tyme hereafter, have full Power and Authoritie to minister and give the Oathe and Oathes of Supremacie and Allegiance, or either of them, to all and everie Person and Persons which shall at any Tyme or Tymes hereafter goe or passe to the Landes and Premises hereby mencōed to be graunted to inhabite in the same. AND, Wee doe of our further Grace, certain Knowledg and meere Moōn, give and graunte to the saide Governor and Company, and their Successors, That it shall and maie be lawfull, to and for the Governor or Deputie Governor, and such of the Assistants and Freemen of the said Company for the Tyme being as shalbe assembled in any of their generall Courts aforesaide, or in any other Courtes to be specially sumoned and assembled for that Purpose, or the greater Parte of them (whereof the Governor or Deputie Governor, and six of the Assistants to be alwaies seaven) from tyme to tyme, to make, ordeine, and establishe all Manner of wholesome and reasonable Orders, Lawes, Statutes, and Ordifnices, Directiōns, and Instrucciōns, not contrairie to the Lawes of this our Realme of England, aswell for settling of the Formes and Ceremonies of Governmt and Magistracy, fitt and necessary for the said Plantacon, and the Inhabitants there, and for nameing and setting of all sorts of Officers, both superior and inferior, which they shall finde needefull for that Governement and Plantacon, and the distinguishing and setting forth of the severall duties, Powers, and Lymytts of every such Office and Place, and the Formes of such Oathes warrantable by the Lawes and Statutes of this our Realme of England, as shalbe respectivelie ministred vnto them for the Execuciōn of the said severall Offices and Places; as also, for the disposing and ordering of the Elecciōns of such of the said Officers as shalbe annuall, and of such others as shalbe be succede in Case of Death or Removeall, and ministring the said Oathes to the newe elected Officers, and for Imposicons of lawfull Fynes, Mulets, Imprisonment, or other

lawfull Correction, according to the Course of other Corporacons in this our Realme of England, and for the directing, ruling, and disposing of all other Matters and Things, whereby our said People, Inhabitants there, may be soe religiously, peaceable, and civilly governed, as their good Life and orderlie Conversacon, maie wynn and incite the Natives of Country, to the Knowledg and Obedience of the onlie true God and Sauior of Mankinde, and the Christian Fayth, which in our Royall Intencon, and the Adventurers free Profession, is the principall Ende of this Plantacion. WILLING, comaunding, and requiring, and by theis Presents for Vs, our Heires, and Successors, ordeyning and appoynting, that all such Orders, Lawes, Statuts and Ordinnces, Instruccions and Direccons, as shalbe soe made by the Governor, or Deputie Governor of the said Company, and such of the Assistants and Freemen as aforesaide, and published in Writing, vnder their comon Seale, shalbe carefullie and dylie observed, kept, performed, and putt in Execucion, according to the true Intent and Meaning of the same; and theis our Letters-patents, or the Duplicate or exemplification thereof, shalbe to all and erverie such Officers, superior and inferior, from Tyme to Tyme, for the putting of the same Orders, Lawes, Statutes, and Ordinnces, Instruccions, and Direccons, in due Execucion against Vs, our Heires and Successors, a sufficient Warrant and Discharge.

AND WEE DOE further, for Vs, our Heires and Successors, give and graunt to the said Governor and Company, and their Successors by theis Presents, that all and everie such Chiefe Comaunders, Captaines, Governors, and other Officers and Ministers, as by the said Orders, Lawes, Statuts, Ordinnces, Instruccions, or Direccons of the said Governor and Company for the Tyme being, shalbe from Tyme to Tyme hereafter ymployed either in the Government of the saide Inhabitants and Plantacon, or in the Waye by Sea thither, or from thence, according to the Natures and Lymitts of their Offices and Places respectively, shall from Tyme to Tyme hereafter for ever, within the Precincts and Parties of Newe England hereby menched to be graunted and confirmed, or in the Waie by Sea thither, or from thence, have full and Absolute Power and Authoritie to correct punish, pardon, governe, and rule all such the Subjects of Vs, our Heires and Successors, as shall from Tyme to Tyme adventure themselves in any Voyage thither or from thence, or that shall at any Tyme hereafter, inhabite within the Precincts and Parties of Newe England aforesaid, according to the Orders, Lawes, Ordinnces, Instruccions, and

Dirreccons aforesaid, not being repugnant to the Lawes and Statutes of our Realme of England as aforesaid. AND WEE DOE further, for Vs, our Heires and Successors, give and graunte to the said Governor and Company, and their Successors, by theis Presents, that it shall and maie be lawfull, to and for the Chiefe Comaunders, Governors, and Officers of the said Company for the Tyme being, who shalbe resident in the said Parte of Newe England in America, by theis Presents graunted, and others there inhabiting by their Appointment and Dirreccon, from Tyme to Tyme, and at all Tymes hereafter for their speciall Defence and Safety, to incounter, expulse, repell, and resist by Force of Armes, aswell by Sea as by Lande, and by all fitting Waies and Meanes whatsoever, all such Person and Persons, as shall at any Tyme hereafter, attempt or enterprise the Destruccon, Invasion, Detriment, or Annoyance to the said Plantation or Inhabitants, and to take and surprise by all Waies and Meanes whatsoever, all and every such Person and Persons, with their Shippes, Armour, Munition, and other Goodes, as shall in hostile manner invade or attempt the defeating of the said Plantacon, or the Hurt of the said Company and Inhabitants: **NEVERTHELES**, our Will and Pleasure is, and WEE doe hereby declare to all Christian Kinges, Princes and States, that yf any Person or Persons which shall hereafter be of the said Company or Plantacon, or any other by Lycense or Appointment of the said Governor and Company for the Tyme being, shall at any Tyme or Tymes hereafter, robb or spoyle, by Sea or by Land, or doe any Hurt, Violence, or vnlawful Hostilitie to any of the Subjects of Vs, our Heires or Successors, or any of the Subjects of any Prince or State, being then in League and Amytie with Vs, our Heires and Successors, and that upon such injury don and vpon iust Complaint of such Prince or State or their Subjects, WEE, our Heires and Successors shall make open Proclamacon within any of the Parties within our Realme of England, comodious for that purpose, that the Person or Persons havinge comitted any such Roberie or Spoyle, shall within the Terme lymytted by such a Proclamacon, make full Restitucion or Satisfaccon of all such Iniureis don, soe as the said Princes or others so complayning, maie hould themselves fullie satisfied and contented; and that yf the said Person or Persons, havinge comitted such Robbery or Spoile, shall not make, or cause to be made Satisfaccon accordingle, within such Tyme soe to be lymytted, that then it shalbe lawfull for Vs, our Heires and Successors, to putt the said Person or Persons out of our Allegiance and

Protection, and that it shalbe lawfull and free for all Princes to prosecute with Hostilitie, the said Offendors, and every of them, their and every of their Procurers, Ayders, Abettors, and Comforters in that Behalf: PROVIDED also, and our expresse Will and Pleasure is, And Wee doe by theis Presents for Vs, our Heires and Successors ordeyne and appoint That theis Presents shall not in any manner envre, or be taken to abridge, barr, or hinder any of our loving subjects whatsoever, to vse and exercise the Trade of Fishing vpon that Coast of New England in America, by theis Presents mentioed to be graunted. But that they and every, or any of them, shall have full and free Power and Liberty to continue and vse their said Trade of Fishing vpon the said Coast, in any the Seas therevnto adioyning, or any Armes of the Seas or Saltwater Rivers where they have byn wont to fishe, and to build and sett vp vpon the Landes by theis Presents graunted, such Wharfes, Stages, and Workehouses as shalbe necessarie for the salting, drying, keeping, and packing vp of their Fish, to be taken or gotten vpon that Coast; and to cutt down, and take such Trees and other Materialls there groweing, or being, or shalbe needefull for that Purpose, and for all other necessarie Easements, Helpes, and Advantage concerning their said Trade of Fishing there, in such Manner and Forme as they have byn heretofore at any tyme accustomed to doe, without making any wilfull Waste or Spoyle, any Thing in theis Presents conteyned to the contrarie notwithstanding. AND WEE DOE further, for Vs, our

Heires and Successors, ordeyne and graunte to the said Governor and Company, and their Successors by theis Presents that theis our Letters-patents shalbe firme, good, effectuell, and availeable in all Things, and to all Intents and Constructions of Lawe, according to our true Meaning herein before declared, and shalbe construed, reputed, and adiudged in all Cases most favourablie on the Behalf, and for the Benefitt and Behoofoe of the saide Governor and Company and their Successors: ALTHOUGH expresse mention of the true yearly Value or certainly of the Premises or any of them, or of any other Guiftes or Grauntes, by Vs, or any of our Progenitors or Predecessors to the aforesaid Governor or Company before this tyme made, in theis Presents is not made; or any Statute, Acts, Ordinance, Provision, Proclamation, or Restrainte to the contrarie thereof, heretofore had, made, published, ordeyned, or provided, or any other Matter, Cause, or Thing whatsoever to the contrarie thereof in any wise notwithstanding.

IN WITNES whereof, Wee have caused theis our Letters to be made Patents.

WITNES ourself, at Westminster, the fourth day of March, in the fourth Yeare of our Raigne.

Per Breve de Privato Sigillo,

Wolseley.

Praedictus Matthaeus Cradocke Juratus est do Fide et Obedientia Regi et Successoribus suis, et de Debita Executione Officii Guberatoris Juxta Tenorem Praesentium, 18^o Martii, 1628. Coram me Carolo Casare Milite in Cancellaria Mro.

CHAR. CAESAR.

CHAPTER VI.

1631-1640.

PROGRESS OF NEW ENGLAND COLONIES.

Emigration in 1632 — Question of levying taxes and rights of the freemen under the charter — Royal Committee for Plantations appointed — Plymouth Company surrenders its title — Roger Williams and his principles — His flight and wanderings — Founds Providence — Dispute with John Cotton — Arrival of Hugh Peters and Henry Vane — Mrs. Anne Hutchinson and her heresies — Settlements in Connecticut — Dispute with the Dutch — The Pequot war — Extermination of the tribe — Founding of New Haven, Newport and other towns — Hooker's "foundation principles" — Free school established at Hartford — General Court established at New Haven — Emigration of Puritans prohibited — Regularly constituted government in Maine — Charter granted to Gorges — Settlements in Maine — Agamenticus incorporated as a city — Progress of the colonies — Harvard University established. Appendix to Chapter VI. — Fundamental Orders of Connecticut.

As has been stated, the colonists who returned from New England carried with them very unfavorable reports as to the conditions in the New

World, and these reports operated to discourage further emigration for some time. In 1632, therefore, the number of arrivals in the new colony

were comparatively few, but among them were the son of John Winthrop, the governor, and John Eliot, who later became the celebrated missionary to the Indians. Meanwhile, the action of the magistrates in the colony had been the cause of much complaint among the settlers. The magistrates supposed that they had authority to levy taxes and on several occasions did so. The excitement caused by this action rendered it necessary that the General Court look into the matter and when the next meeting of the Court assembled in May, 1632, the matter was taken in hand. Two deputies were chosen from each plantation to agree upon "raising a common stock." At this time the free-men reassumed the power of choosing the governor and deputy-governor and also limited the tenure of office of the assistants to one year.* They also determined that Boston was the best place for holding the public meetings of the colonists, and a fort and house of correction were ordered to be erected at that place.† In 1633 a number of emigrants arrived, among whom were John Haynes and the ministers so distinguished in New England history, John Cotton, Thomas Hooker, and Samuel Stone. Hooker and Stone settled at Newtown while Cotton settled at Boston as a colleague of John Wilson. "This influx of immigrants caused an in-

creased demand for labor and led the magistrates to renew an experiment they had once tried already of regulating the rate of wages. Carpenters, masons and other mechanics were to have two shillings — forty-eight cents per day and find their own diet; ordinary workmen one and six pence or thirty-two cents. The workmen, thus restricted, raised an outcry at the excessive cost of imported goods; and the magistrates, at their next session, limited prices at an advance of one third on the cost of importation. Corn at this time was six shillings — near a dollar and a half per bushel — at which rate it was a tender in payments of debts; but it soon sunk to three or four shillings. These attempts to regulate wages, though not very successful, were long persevered in; but it was presently left to the towns to fix the rates. The traders were less manageable than the laborers, and the attempt to limit the price of goods was early abandoned.

"As a terror to idlers, the constables, by another enactment of this court, were ordered to present all 'common boasters, unprofitable fowlers and tobacco takers' — one of the many ineffectual attempts to restrain the use of tobacco. Equally vain were the endeavors of subsequent courts to limit the excessive use of other luxuries in food and apparel. * * *

"By order of court a market was set up at Boston to be kept on Thursday, the weekly lecture-day for that town. Samuel Cole set up the first

* *Mass. Col. Recs.*, vol. i., p. 95.

† Palfrey, *History of New England*, vol. i., p. 124 *et seq.*

house of common entertainment, and John Cogan, merchant, the first shop. The narrow limits of the peninsula no longer sufficed for this growing capital. The inhabitants already had farms in what is now Brookline and a year afterward they 'had enlargement' at Rumney Marsh, now Chelsea, and also at Mount Wollaston. But this latter plantation was soon made a separate town and called Braintree."*

Much trouble was caused by the trespassing of swine on cultivated land and the magistrates passed several regulations intended to stop it, but as these laws were ineffectual, they passed a law authorizing all trespassing animals to be killed. This caused a ferment among the people and led to an important constitutional change. In 1634 two delegates met from each town and requested a sight of the charter. Upon examining it, they came to the conclusion that in the freemen rested the legislative authority, and not in the magistrates. When the General Court met in May, 1634, that body claimed for itself, as a privilege granted them by the charter, the admission of freemen, the choosing of officers, raising of revenues, etc. Though Cotton urged with all his eloquence that no change be made in those holding office, Dudley was now elected governor in the place of Winthrop, but the latter was retained

as Dudley's assistant.* The infant colony had made rapid advancement during Winthrop's four years in office. During this time eight principal plantations and several smaller ones were laid out and seven churches built in addition to the fort; a flourishing trade had sprung up with the Virginian and other colonies; water and wind-mills had been brought into use and ferries had also been established between Boston and Charlestown.†

At this time while the Court was in session, six large vessels arrived with a good supply of cattle, and about one month later 15 more vessels arrived. Among those who came in one of these ships was John Humphrey, who brought with him a supply of ordinance, muskets, etc., and cattle and other necessities for the colony. He also brought with him propositions from some "person of great quality and estate" to join the Massachusetts colonies if they could agree upon some points. Complaints, however, had been made in England against Massachusetts, and King Charles

* Doyle, *English Colonies in America*, vol. ii., pp. 106-109; Palfrey, *New England*, vol. i., pp. 136-140; Osgood, *American Colonies*, vol. i., p. 155 *et seq.*; *Colonial Records*, vol. i., p. 118; Bancroft, vol. i., pp. 246-247; Osgood, pp. 167-199 gives a good description of the constitution and operations of the executive and judiciary in Massachusetts at this time.

† J. H. Twitchell, *John Winthrop, First Governor of Massachusetts Colony*; John Winthrop, *The History of New England from 1630 to 1649*; Robert C. Winthrop, *Life and Letters of John Winthrop*; Earl, *Margaret Winthrop*; Whitmore, *Notes on the Winthrop Family and its English Connections*.

* Hildreth, *History of the United States*, vol. i., pp. 196-197.

therefore appointed a Royal Committee for Plantations with full power over the American plantations to revise the laws, regulate the Church and revoke charters. The news of this measure produced great alarm in Massachusetts. Dorchester, Charlestown, and Castle Island were fortified, the militia was drilled, a code of signals was agreed upon to warn the people of the interior in the event of an attack upon Boston; and the people were ordered to follow the instructions of the military authorities and to abjure their allegiance to the crown in favor of the colony.* The colonists then appointed Dudley, Winthrop, John Haynes, Humphrey, and Endicott as commissioners "to consult, direct, and give command for the managing and ordering of any war that might befall for the space of a year next ensuing." The colony also sent Winslow to England to pacify the authorities. In February, 1635, while he was in London, the Plymouth Company surrendered its charter to the king with the understanding that all existing titles in New England should be annulled and that the country should be partitioned in severalty among the members of the Plymouth council. Accordingly, the king issued a writ of *quo warranto* against the Massachusetts charter which was then annulled, and also

appointed Sir Ferdinando Gorges governor of New England.*

While Massachusetts was experiencing these difficulties, the adjustment of the various disputes which had arisen among the colonists was not rendered more easy by the course pursued by Roger Williams, who was a Puritan of an active and energetic nature. Williams soon gave trouble to the Massachusetts colonists by proclaiming novelties in religious worship which were considered heresies. His theories led to his removal to Plymouth, where he remained for two years.† In 1634, however, he returned to Massachusetts and almost immediately became involved in disputes with the authorities, not only because he denied that the royal patents, which gave the title to land in America, were valid, but because he held a fanatical scruple as to the red cross in the English colors. He considered that this was a relic of Popery and abomination, and he induced Endicott, the commander at Salem, to cut the cross from the national flag.‡ He also denied that it was lawful to impose an oath on the non-freemen, and

* Palfrey, *History of New England*, vol. i., pp. 148-161; Bancroft, vol. i., pp. 274-276; Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 263-284; 291-292. For text of the articles of surrender see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1860-1861.

† Winthrop, *History of New England*, vol. i., p. 91; Eggleston, *Beginners of a Nation*, p. 266 et seq.

‡ Hubbard, *History of New England*, p. 207; Fiske, *Beginnings of New England*, p. 114 et seq.; Hildreth, vol. i., p. 221 et seq.

* Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 286-289.

that the law compelling attendance at public worship was legal, which gave offence both to the magistrates and the ministers. Despite his vagaries, and his puerile seizing upon trifles, he nevertheless grasped one idea firmly, and held and acted upon it at all times with evident sincerity. This idea was what he termed "soul-liberty," meaning the complete and perfect right of every man to enjoy the utmost freedom of opinion on religious matters. This idea was startling in a colony like Massachusetts, and it is no wonder that it seemed to the authorities of the colony an alarming heresy, for these principles not only struck at the very root of the religious theocracy which had been established in Massachusetts, but also at the authority of the crown itself.* Regarding Williams as both unsettled in judgment and as a public trouble-maker, the Court at Boston began to devise means to remove him from the colony. It was unfortunate that the scruples of Williams tended to divide and weaken the colony, for the difficulties with which it was encompassed at that time were sufficiently burdensome without having in addition a religious quarrel. His agitations even served to paralyze resistance against aggressions which they were calculated to bring about; and however excellent the principles he

had espoused, his conduct was little calculated to inaugurate the reforms he desired. Nevertheless, so genuine was his piety and so disinterested and noble his character, that the people of Salem reëlected him as their pastor, in spite of the prohibition of the Court at Boston, and for this they were reprimanded and punished by the withholding of certain portions of land.* This act of the Court aroused all the fighting spirit in Williams and he protested against it, engaging the Salem church to join with him in a general appeal to the other churches against what he considered palpable injustice on the part of the magistrates. This was a daring proceeding and the council immediately suspended the franchises of the churches who joined Williams. They therefore deserted his standard, and he was left absolutely alone. He then openly renounced allegiance to what he considered a persecuting religious body.† The council condemned his opinions and conduct and imposed upon him a sentence of banishment, but as Williams had a large following and as it was considered dangerous to arouse a strong feeling of sympathy for him, the magistrates determined to send him back to England.‡

* Winthrop, *History of New England*, vol. i., pp. 164, 195.

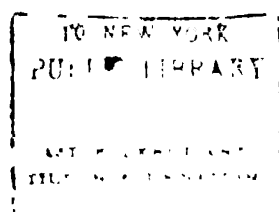
† Hildreth, vol. i., pp. 227-228; Bancroft vol. i., p. 252.

‡ Winthrop, *History of New England*, vol. i., p. 170; Palfrey, *History of New England*, vol. i., pp. 161-165. On the entire controversy see Eggleston, *Beginners of a Nation*, pp. 274-306.

* Doyle, *English Colonies in America*, vol. ii., p. 117; Bancroft, vol. i., pp. 249-251.



THE LANDING OF ROGER WILLIAMS.



Rather than return to England, however, Williams fled into the wilderness in the depth of winter, taking refuge among the Narragansett Indians with whom he had become acquainted while at Plymouth. For fourteen weeks he wandered through the snow covered forests, "not knowing what bread or bed did mean," but when he reached the Indian wigwams he was received and sheltered with the greatest of care and kindness.*

In the spring he left his Indian retreat to search for some spot where he could found an asylum for those, who, like himself, were persecuted for their religious opinions. He first attempted to found a settlement at Seekonk, but later, upon the suggestion of Winthrop, governor of Plymouth, moved to Narragansett Bay where the Indians granted him a large tract of land, and where in June, 1636, he fixed upon the site of a town which he named Providence. There he was joined by a large number of friends from Salem, among whom he freely distributed the land. Such was the beginning of the State of Rhode Island.† A sequel to his banishment was his dispute with

John Cotton. The latter had written a letter justifying the banishment of Williams and engaged in a long literary duel with Cotton which not only did not settle the dispute, but also did not tend to calm the waters of ecclesiastical strife which at that time were particularly turbulent.*

Not long after Williams left the colony, fresh troubles sprung up which were in a great measure due to the claim of certain parties to the right of private judgment in all matters pertaining to religion and religious worship. Some time prior to this, Henry Vane, a man of superior ability and acquirements, and Hugh Peters, chaplain to Oliver Cromwell, had joined the Massachusetts colony.† The arrival of Vane created a considerable stir among the settlers because of his distinction and family connec-

* Doyle, *English Colonies in America*, vol. ii., p. 124 *et seq.* Both sides of the controversy are given in the publications of the Narragansett Historical Society. See also Osgood, *American Colonies*, vol. i., pp. 224-235, which gives a good review of the controversy between the colony and Williams. On the founding of Providence and subsequent events see Osgood, p. 332 *et seq.*; Staples, *Annals of Providence*; Stephen Hopkins, *The Planting and Growth of Providence*, reprinted in *Collections of the Massachusetts Historical Society*, 2d series, vol. ix., pp. 166-203, and in the *Collections of the Rhode Island Historical Society*, vol. viii., pp. 13-65. The various documents concerning the land grants and discussions of them are given in Sidney S. Rider, *Rhode Island Tracts*, series ii., no. 4; Hopkins, *The Home Lots of Providence*; Dorr, *Proprietors of Providence and the Freeholders*, *Collections of the Rhode Island Historical Society*, vol. ix., *Rhode Island Colonial Records*, vol. i.

† See the characterization of Vane and Peters by C. F. Adams in *Three Episodes of Massachusetts History*, vol. i., p. 372 *et seq.*

* Winthrop, p. 175; Bancroft, vol. i., p. 253.

† Samuel G. Arnold, *History of Rhode Island*, vol. i. (ed. of 1878); I. B. Richman, *Rhode Island: A Study in Separatism*, pp. 16-18 (1905); Oscar S. Strauss, *Roger Williams, The Pioneer of Religious Liberty*; J. D. Knowles, *Memoir of Roger Williams*; William Gammell, *Roger Williams* (1845); Dexter, *As to Roger Williams*; Romeo Elton, *Life of Roger Williams*; Doyle, *English Colonies in America*, vol. ii., p. 180 *et seq.*

tions, and at that time it was proposed by those who wished to form an aristocracy in the New England colony to establish an order of hereditary magistracy, but the proposition was never carried into effect.*

Shortly after his arrival in 1636, Vane was elected governor of the colony, and when a new religious fermentation arose he became one of the most prominent actors in it. Dr. Robertson says:

“It was the custom at that time in New England, among the chief men in every congregation, to meet once a week, in order to repeat the sermons which they had heard, and to hold religious conference with respect to the doctrines contained in them. Mrs. Anne Hutchinson,† whose husband was among the most respectable members of the colony, regretting that persons were excluded from the benefit of those meetings, assembled stately in her house a number of women, who employed themselves in pious exercises similar to those of the men. At first she satisfied herself with repeating what she could recollect of the discourses delivered by their teachers. She began afterward to add illustrations, and at length proceeded to censure some of the clergy as unsound, and to vent opinions and fancies of her own.

* Palfrey, *History of New England*, vol. i., pp. 171-178, gives some of the various measures enacted at this time.

† See Adams' characterization of her in *Three Episodes of Massachusetts History*, vol. i., p. 381 *et seq.*

These were all founded on the system which is denominated Antinomian by divines, and tinged with the deepest enthusiasm. She taught that sanctity of life is no evidence of justification, or of a state of favor with God; and that such as inculcated the necessity of manifesting the reality of our faith by obedience, preached only a covenant of works; she contended that the Spirit of God dwelt personally in good men, and by inward revelations and impressions they received the fullest discoveries of the Divine will. The fluency and confidence with which she delivered these notions gained her many admirers and proselytes, not only among the vulgar but among the principal inhabitants. The whole colony was interested and agitated. Vane, whose sagacity and acuteness seemed to forsake him whenever they were turned toward religion, espoused and defended her wildest tenets. Many conferences were held, days of fasting and humiliation were appointed, a general synod was called; and, after dissensions which threatened the dissolution of the colony, Mrs. Hutchinson's opinions were condemned as erroneous, and she herself banished. Several of her disciples*

* Among whom were John Wheelwright, John Underhill, Stephen Greensmith, William Aspinwall and John Coggeshall. John Cotton was also an adherent but to save himself from the fate of the others recanted. Greensmith was fined and Aspinwall and Coggeshall were removed from their seats in the council. Wheelwright was

withdrew from the province of their own accord. Vane quitted America in disgust, unlamented even by those who had lately admired him; some of whom now regarded him as a mere visionary, and others, as one of those dark, turbulent spirits doomed to embroil every society into which they enter."*

Mrs. Hutchinson suffered a very unhappy fate. After she had retired to Aquiday, or the Isle of Rhodes, she underwent all the trials and privations attendant upon forming a new settlement, but she, nevertheless, con-

banished and later founded Exeter, N. H., and Underhill was removed from office and disfranchised.

* Robertson, *History of America*, book ix., p. 232. See also C. F. Adams, *Antinomianism in the Colony of Massachusetts Bay* in Pubs. of the Prince Society; J. K. Hosmer, *Life of Young Sir Henry Vane* (1888); Sikes, *Life of Sir Henry Vane* (1662); Upham's *Life* (in Sparks' *American Biography*, 1st ser., vol. iv., 1835); Winthrop, *History of New England*, vol. i., p. 200 *et seq.*; Fiske, *Beginnings of New England*, p. 116 *et seq.*; Hutchinson, *History of Massachusetts* (ed. 1765); Palfrey, *History of New England*, vol. i., pp. 194-210; Henry M. King, *Sir Henry Vane, Jr., Governor of Massachusetts and Friend of Roger Williams and Rhode Island* (1909); Charles H. Bell, *John Wheelwright and his Writings*, Pubs. of the Prince Society (1876); Hildreth, vol. i., p. 242 *et seq.*; Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 363-532; Osgood, *American Colonies*, vol. i., pp. 236-255; Eggleston, *Beginners of a Nation*, pp. 327-342; Brooks Adams, *The Emancipation of Massachusetts*, chap. ii. A hostile view of Mrs. Hutchinson's case is given in Thomas Welde's *A Short Story of the Rise, Reign, and Ruin of Antinomians, Familists, and Libertines that infected the Churches of New England* (London, 1644). This was answered by an anonymous pamphlet entitled *Mercurius Americanus*, republished, with a prefatory notice by C. H. Bell, for the Prince Society, Boston (1876).

tinued to promulgate her doctrines with the greatest ardor. Her sons, openly arraigning the justice of her banishment, were seized and thrown into prison. The family, in order to escape persecution, emigrated into the Dutch territory at the time when Kieft, the governor, had by acts of rashness and cruelty aroused the Indians to retaliation. Shortly after her arrival in the Dutch territory, Mrs. Hutchinson's house was set afire and she either perished with her children—except a little daughter (or granddaughter)—or was murdered by the savages. This event occurred in October, 1643, or according to some authorities in August, 1642.*

Meanwhile, a permanent settlement had been formed in the valley of the Connecticut.† A large body now prepared to push through the forests to a desirable spot where Hartford, Windsor and Weathersfield were founded, but the expedition was undertaken too late in the year and was attended with many hardships. Provisions failed, the cattle perished and many of the pioneers became so disgusted that they returned through the snow to the place from which they started.‡ In 1636, however, about

* Doyle, *English Colonies in America*, vol. ii., pp. 129-138; Adams, *Three Episodes of Massachusetts History*, vol. ii., pp. 532-539.

† The Indian name *Connecticoota*, signifies "Long River."

‡ Alexander Johnston, *Connecticut, A Study of a Commonwealth-Democracy*, pp. 14-22; Trumbull, *History of Connecticut*, vol. i., pp. 38-39, 41-42 (1898 reprint).

100 persons, comprising the members of two churches with their ministers, one of whom was Thomas Hooker, made their way through the forest, and by the aid of the compass, succeeded in reaching the desired location.* In 1635 the commissioners

* Regarding this journey, Mr. Hollister speaks as follows: "About the beginning of June, the first soft, warm month of the New England year, Mr. Hooker, with his assistant, Mr. Stone, and followed by about one hundred men, women and children, set out upon the long contemplated journey. Over mountains, through swamps, across rivers, fording or upon rafts, with the compass to point out their irregular way, slowly they moved westward, now in the open spaces of the forest, where the sun looked in; now under the shade of the old trees; now struggling through the entanglement of bushes and vines—driving their flocks and herds before them—the strong supporting the weak, the old caring for the young, with hearts cheerful as the month, slowly they moved on. Mrs. Hooker was ill, and was born gently upon a litter. A stately, well-ordered journey it was, for gentlemen of fortune and rank were of the company, and ladies who had been delicately bred, and who had known little of toil and hardship until now. But they endured it with the sweet alacrity that belongs alone to woman, high-toned and gentle, when summoned by a voice whose call cannot be resisted, to lay aside the trappings of ease, and to step from a fortune that she once adorned, to a level that her presence ennobles. The howl of the wolf, his stealthy step among the rustling leaves, the sighing of the pines, the roar of the mountain torrent, losing itself in echoes sent back from rock and hill, the smoking ruins of the Indian council-fire,—all forcing upon the mind the oppressive sense of solitariness and danger, the more dreaded because unseen—all these the wife, the mother, the daughter, encountered, with a calm trust that they should one day see the wilderness blossom as the rose. At the end of about two weeks, they reached the land almost fabulous to them—so long had hope and fancy been shaping to their minds pictures of an ideal loveliness—the valley of the Connecticut. It lay at their feet, beneath the shadow of the low-browed hills, that tossed the foliage of their trees in billows,

also sent a party under John Winthrop, Jr., by water to found a settlement at the mouth of the river which, since Lord Say and Sele and Lord Brooke were proprietaries, was called Saybrook.* In addition to being exposed to trouble because of the jealousy of the Dutch from New Netherlands,† the colony was also in great peril from the hostilities of the neighboring Indians.

The Pequots were naturally jealous of the progress made by the whites in establishing settlements within their territory, and they were suspicious and afraid that these settlers would put them out of the land which had been in their possession long before the whites had come to the country. On the other hand, the colonists were apprehensive of a sudden attack and massacre by the Indians similar to that which the settlers in Virginia

heaving for miles away to the east and west, as the breath of June touched them with life. It lay, holding its silvery river in its embrace, like a strong bow half bent in the hands of the swarthy hunter, who still called himself lord of its rich acres."—Hollister, *History of Connecticut*, vol. i., p. 29. See also G. L. Walker, *Life of Thomas Hooker, Preacher, Founder, Democrat* (1891); Fiske, *Beginnings of New England*, p. 125 *et seq.*; Palfrey, *History of New England*, vol. i., pp. 178–184; Eggleston, *Beginners of a Nation*, pp. 316–326.

* Johnston, *Connecticut*, p. 23. The Warwick patent of 1631, Winthrop's commission to erect a fort at the mouth of the Connecticut, will be found in Trumbull's *History of Connecticut*, vol. i., p. 423 *et seq.* (1898 reprint).

† For the details of which see Doyle, *English Colonies in America*, vol. ii., p. 151 *et seq.*; Fiske, *Dutch and Quaker Colonies in America*, vol. i., p. 150 *et seq.*; Trumbull, *History of Connecticut*, vol. i., p. 16 *et seq.* (1898 reprint).

had experienced. While the Indians were meditating upon measures for stopping the progress of the white man's intrusion, the colonists were constantly on their guard to punish any signs of aggression on the part of the Indians. The Pequots were the most powerful confederacy in the neighborhood of Narragansett Bay and held authority over 26 petty tribes. In 1633 a man by the name of Stone, a master of a Virginia trading vessel, had been murdered by a band of Pequots, and as this excited considerable alarm in Massachusetts, the Pequots sent a delegation to Boston with the idea of pacifying the colonists. They stated that the murder had been hastily committed in revenge for some act of treachery on the part of Stone and the crew.* They offered to hand over the murderers to the colonial authorities and at the same time asked the magistrates to effect a reconciliation with their enemies, the Narragansetts. The magistrates accepted the apology of the Pequots and also brought about the requested mediation, but the Pequots failed to deliver the murderers into the hands of the colonial authorities.† In 1636 John Oldham, an old settler at Block Island, was murdered by a party of Indians, probably in revenge for having

opened a trade with the Pequots,* but for this crime Canonicus, the sachem of the Narragansetts, offered ample apology, saying that the crime had been committed without his knowledge.† The magistrates and ministers, however, decided that something further than an apology from the Indians was required, and therefore armed an expedition of 90 men‡ under command of Endicott, which was sent to Block Island to punish the Indians there. This expedition was then to repair to the Pequot territory to demand that the murderers of Stone be given up, together with a thousand fathoms of wampum as damage. Endicott accomplished every task given to him. He burned the wigwams and destroyed the standing corn of the Block Island Indians, and then sailed to Fort Saybrook, marching from that place to the Pequot territory. The Indians there, however, refused to accede to his demands, and he therefore burned the villages both on the Pequot and Connecticut rivers, and then returned to Boston without having lost a single man.|| The Pequots, however, considered this an unprovoked attack,

* Johnston, *Connecticut*, p. 30; Trumbull, *History of Connecticut*, vol. i., pp. 47-48.

† Winthrop, *History of New England*, vol. i., pp. 123, 148; Hildreth, *History of the United States*, vol. i., pp. 237-238; Hildreth, in Hitchcock's *Decisive Battles of America*, pp. 33-34.

* Winthrop, pp. 189-190; Trumbull, *History of Connecticut*, vol. i., p. 49; Doyle, *English Colonies in America*, vol. ii., pp. 161-164; Hitchcock, *Decisive Battles*, pp. 34-35.

† Winthrop, *History of New England*, vol. i., p. 192; Hildreth, vol. i., pp. 238-240.

‡ These are Winthrop's figures (vol. i., p. 192). Others say 100 and 120.

|| Trumbull, *History of Connecticut*, vol. i., p. 50; Hildreth, vol. i., p. 240; Hitchcock, *Decisive Battles*, pp. 35-36.

and becoming enraged retaliated in every way in their power. During the winter, about 30 of the settlers were killed and the Pequots endeavored to engage the Narragansetts in an alliance to destroy every white settlement and drive the colonists from the country. Roger Williams intervened at this time, and by sending information to the Massachusetts magistrates prevented a coalition between the two confederacies; in addition, he gained the neutrality of the Narragansetts.*

The colonists now decided to systematically organize themselves so as to be better prepared to withstand any attack by the Indians or to carry the war into their own territory. In December, 1636, therefore, at a special meeting of the General Court, the militia was organized into three regiments with regularly appointed officers in the respective grades. It was ordered that watches should be kept and travelers were to go armed, but because of the trouble arising from the Hutchinson case, of which we have spoken previously, no active measures were taken to punish the Indians until the spring of 1637. When the Hutchinson case had been disposed of, undivided attention was given to the Pequots, and at that time a large and well-armed force was raised to carry the war into the Indian territory. Before the Massachusetts troops had arrived, how-

ever, a decisive battle had been fought by the Connecticut troops. Early in May of this year, the Connecticut towns succeeded in securing Uncas, sachem of the Mohegans, as an ally, and the larger part of the able-bodied colonists, to the number of 90, set out under the command of John Mason. They were accompanied by 70 Mohegans.* It was a perilous time for the colonists, for should the little band of soldiers fail in their attempt to conquer the Indians, the settlement would be left without defenders and subject to massacre by the Indians. On the 21st of May the militia embarked at Hartford, and after having been joined by 20 men who had sometime before been sent from Boston in command of John Underhill, they sailed past the Thames, and unobserved and undiscovered entered a harbor in the vicinity of the Pequot fort.† Here they rested for a short time, during which they endeavored to secure the assistance of the Narragansetts under Miantonimoh. At first 200 of the Narragansett warriors joined the English, but when they learned that the colonists intended to attack the Pequot fort with so small a force, they became panic-stricken and refused to accompany the expedition further.‡ Trumbull describes the expedition in the following language:

* Johnston, *Connecticut*, p. 35.

† Trumbull, *History of Connecticut*, vol. i., pp. 56-58.

‡ Hitchcock, *Decisive Battles*, p. 38; Johnston, *Connecticut*, p. 36.

* Hitchcock, *Decisive Battles*, pp. 36-37.

“The officers, supposing that they were now near the fort, pitched their little camp between or near two large rocks, in Groton, since called Porter’s rocks. The men were faint and weary, and though the rocks were their pillows, their rest was sweet. The guards and sentinels were considerably advanced, in front of the army, and heard the enemy singing, at the fort, who continued their rejoicings even until midnight. They had seen the vessels pass the harbor, some days before, and had concluded, that the English were afraid, and had not courage to attack them. * * *

“The night was serene, and towards morning the moon shone clear. The important crisis was now come, when the very existence of Connecticut, under Providence, was to be determined by the sword, in a single action, and to be decided by the good conduct of less than eighty brave men. The Indians who remained, were now sorely dismayed, and though, at first, they had led the van, and boasted of great feats, yet were now all fallen back in the rear.

“About two hours before day, the men were aroused with all expedition, and, briefly commending themselves and their cause to God, advanced immediately towards the fort, [and] * * * sent for the Indians in the rear to come up. Uncas and Wequash at length appeared. He [the captain] demanded of them where the fort was. They answered,

on the top of the hill. He demanded of them where were the other Indians. They answered, that they were much afraid. The captain sent to them not to fly, but to surround the fort, at any distance they pleased, and see whether Englishmen would fight. The day was nearly dawning, and no time was to be lost. The men pressed on, in two divisions, captain Mason to the northeastern, and captain Underhill to the western entrance. As the object which they had so long been seeking, came in view, and while they reflected that they were to fight not only for themselves, but their parents, wives, children, and the whole colony, the martial spirit kindled in their bosoms, and they were wonderfully animated and assisted. As captain Mason advanced within a rod or two of the fort, a dog barked, and an Indian roared out, ‘Owanux! Owanux!’ that is, ‘Englishmen! Englishmen!’ The troops pressed on, and as the Indians were rallying, poured in upon them through the palisadoes, a general discharge of their muskets, and then wheeling off to the principal entrance, entered the fort sword in hand. Notwithstanding the suddenness of the attack, and the blaze and thunder of the arms, the enemy made a manly and desperate resistance. Captain Mason and his party, drove the Indians in the main street towards the west part of the fort, where some bold men, who had forced their way,

met them, and made such slaughter among them, that the street was soon clear of the enemy. They secreted themselves in and behind their wigwams, and taking advantage of every covert, maintained an obstinate defence. The captain and his men entered the wigwams, where they were beset with many Indians, who took every advantage to shoot them, and lay hands upon them, so that it was with great difficulty that they could defend themselves with their swords. After a severe conflict, in which many of the Indians were slain, some of the English killed, and others sorely wounded, the victory still hung in suspense. The captain, finding himself much exhausted, and out of breath, as well as his men, by the extraordinary exertions which they had made, in this critical state of action, had recourse to a successful expedient. He cries out to his men, **WE MUST BURN THEM.** He, immediately entering a wigwam, took fire and put it into the mats with which the wigwams were covered. The fire instantly kindling, spread with such violence that all the Indian houses were soon wrapped in one general flame. As the fire increased, the English retired without the fort, and compassed it on every side. Uncas and his Indians, with such of the Narragansetts as yet remained, took courage, from the example of the English, and formed another circle in the rear of them. The enemy were now seized with astonishment, and

forced, by the flames, from their lurking-places, into open light, became a fair mark for the English soldiers. Some climbed the palisadoes, and were instantly brought down by the fire of English muskets. Others, desperately sallying forth from their burning cells, were shot, or cut in pieces with the sword. Such terror fell upon them, that they would run back from the English into the very flames. Great numbers perished in the conflagration.

“ The greatness and violence of the fire, the reflection of the light, the flashing and the roar of the arms, the shrieks and yellings of the men, women, and children, in the fort, and the shoutings of the Indians without, just at the dawning of the morning, exhibited a grand and awful scene. In little more than an hour the whole work of destruction was finished. Seventy wigwams were burnt, and five or six hundred Indians perished, either by the sword or in the flames. A hundred and fifty warriors had been sent on the evening before, who, that very morning, were to have gone forth against the English. Of these and all who belonged to the fort, seven only escaped, and seven were made prisoners. It had been previously concluded not to burn the fort, but to destroy the enemy, and take the plunder; but the captain afterwards found it the only expedient to obtain the victory, and save his men. Thus parents and children, the sannup and squaw, the old man and

the babe, perished in promiscuous ruin."*

Having now accomplished the chief object of the expedition, the colonists were about to return home, when a new body of Pequots from the other villages was found to be approaching, and before the colonists could embark the Indians had attacked them. The sight of their ruined habitations and dead companions filled them with rage and they rushed furiously upon the colonists, but the fire from the guns of the latter soon checked them and Mason and his party were able to make good their retreat to the Pequot harbor, now New London. The wounded were sent by water and the other troops were marched to Saybrook where they were received with demonstrations of joy.† During the entire summer of 1637 the work so well begun by the Connecticut soldiers was carried forward in conjunction with the Massachusetts forces. The Pequots were hunted from their hiding places in the swamps; their forts were destroyed and their warriors killed, while the women and children who were captured were distributed among the colonists as slaves. Sassacus, the head sachem of the Pequots, fled to the Mohawks for pro-

tection, but at the instigation of the Narragansetts, he was murdered. Such adult Indians as had been captured were sold into slavery in the West Indies. According to the best reports, about 900 of the Indians were killed or captured;* but the few who escaped to the Narragansetts and Mohegans were afterward forbidden to call themselves Pequots, a treaty to this effect being signed at a conference at Hartford, September 21, 1638.† The successful issue of this war with the Indians was regarded by the colonists as proof of Divine approbation, and, with characteristic self-complacency, they justified everything they had done by numerous quotations from the Bible.‡

* *Ibid.*, p. 41; Trumbull, *History of Connecticut*, vol. i., pp. 65-67.

† Roger Williams gives the principal provisions of this treaty in a letter published in Potter's *History of Narragansett*, p. 77, which forms vol. iii., of the *Rhode Island Historical Society Collections*. See also Johnston, *Connecticut*, pp. 46-47.

‡ There are three accounts of this war written by men who participated in it. Mason's *History of the Pequod War* was first published in 1677 by Increase Mather in his *Relation of the Trouble*, and was later republished with a preface by Prince in 1835. It is also in vol. iii., series iii., of the *Collections of the Massachusetts Historical Society*. Lyon Gardiner in 1660 wrote an account of that part of the war in which he had participated, the account being published in 1833 in vol. iii., series iii., of the *Collections of the Massachusetts Historical Society*. In vol. vi., of the same series is an account by Captain John Underhill entitled *News from America, or a New and Experimental Discovery of New England, containing a true relation of their warlike proceedings these two years last*. In the same volume is an account by a clergyman named Philip Vincent, entitled *A True Relation of the late Battle fought in New England between the*

* Trumbull's *History of Connecticut*, vol. i., pp. 60-62 (1898 reprint). See also Johnston, *Connecticut*, pp. 37-39; Fiske, *Beginnings of New England*, pp. 128-134; Hitchcock, *Decisive Battles*, pp. 39-40.

† Johnston, *Connecticut*, pp. 41-42; Hitchcock, *Decisive Battles*, p. 40.

As the colony was now free from further trouble with the Indians, the ministers and magistrates next turned their attention to routing out heretical pravity, but no matter how well they performed this work, these heresies continued to spring up and it became necessary once again to do the work. Nevertheless, there were some beneficial effects from the stringent regulations in Massachusetts, one of which was the migratory movements in various directions. As before stated, Roger Williams had already laid the foundation of Providence, Rhode Island. In March, 1638, Theophilus Eaton and John Davenport established a colony at New Haven which was to be free from the innovations of error and licentiousness, and was to enjoy a separate government from those of the other colonies.* In 1638 a party of the followers of John Wheelwright and Mrs. Hutchinson, under the leadership of William Coddington, settled at Pocasset, later Portsmouth.† In 1639 Coddington and a few others withdrew from this settlement and

founded Newport.* In March, 1640, the two settlements were formally united under a constitution into one colony later named Rhode Island,‡ Coddington being elected governor.‡ Wheelwright, who had at this time been banished for his participation in the heretical proceedings of Mrs. Hutchinson, went forth and, in 1639, planted Exeter, New Hampshire.|| Another one of those who had become involved in the same trouble and who had also been charged with proceedings not in conformity with the ideas of the stern Puritanical colonists—Captain Underhill—was also expelled, notwithstanding his great services in the Indian wars. He retired from the colony and planted Cochecho, later called Dover.§ Among the others who from time to time departed from the colony to found other settlements was Ezekiel Rogers,

* *R. I. Col. Records*, p. 87 et seq.; Richman, pp. 30-31.

† *R. I. Col. Records*, p. 100 et seq.; Richman, pp. 31-33.

‡ Palfrey, *History of New England*, vol. i., pp. 211-213; Osgood, *American Colonies*, vol. i., pp. 341-345; Smith, *Thirteen Colonies*, vol. ii., pp. 303-309.

|| *New Hampshire Provincial Papers*, vol. i., p. 131 et seq.; Bell, *History of Exeter*.

§ On planting of Dover see Jenness, *Notes on the First Planting of New Hampshire*; Quint, *Historical Memoranda of Dover*, ed. by Scales; Thompson, *Landmarks of Ancient Dover*; Charles Deane on Thompson's patent in *Proceedings of Mass. Hist. Soc.*, 1875; *New Hampshire Provincial Papers*, vol. i.; Hubbard, *History of New England*; Tuttle, *John Mason*; Belknap, *History of New Hampshire*, vol. i.; Doyle, *English Colonies in America*, vol. ii., pp. 129 et seq., 179-200, 208 et seq.

English and the Pequod Savages. See also Doyle, *English Colonies in America*, vol. ii., pp. 161-178; Charles Orr, *History of the Pequot War*; Palfrey, *History of New England*, vol. i., pp. 184-193; Hildreth, vol. i., p. 247 et seq.

* Trumbull, *History of Connecticut*, vol. i., p. 71.

† *Rhode Island Colonial Records*, vol. i., p. 45 et seq.; Richman, *Rhode Island*, p. 29; F. G. Bates, *Rhode Island and the Formation of the Union*, in *Columbia University Studies in History, Economics and Public Law*, vol. x., no. 2, p. 15.

who, with a company of Yorkshire clothiers, founded Rowley, Mass.

In 1638 Hooker promulgated his "foundation principles" for the government of Connecticut, and a general convention of the free planters of Windsor, Hartford and Wethersfield was called to consider it. On January 14, 1639, the convention adopted the constitution (or Fundamental Orders*) and thus the commonwealth of Connecticut was erected. By this constitution the people were recognized as sovereign, becoming freemen upon taking an oath of allegiance to the commonwealth. A governor (who was required to be a member of some regular church, who must have been a magistrate and who could not serve two terms in succession), six magistrates and four deputies from each town as representatives in the General Assembly, were elected each spring. Beside the usual provisions regarding suffrages, etc., this constitution gave much less rigid ecclesiastical control to the government than in the Massachusetts Bay and Plymouth colonies. In addition, the authority and even the existence of a sovereign or proprietary were ignored. This constitution, which, according to some historians, was the

first written constitution known to history that created a government, continued in existence without material alteration for nearly 200 years.* In 1639 a free school for boys was opened at Hartford. Soon afterward the colony began to expand and many small towns were planted, such as Stratford and Fairfield; and others, which later came under the jurisdiction of Connecticut, were established by the colony at New Haven, such as Guilford, Branford, Milford, Stamford, and Greenwich.†

The New Haven colony did not in the beginning prosper as its founders had expected. For a year after the colony was established, the only bond of union among the settlers was a "plantation covenant" to obey the teachings of the Bible,‡ but in October, 1639, a constitution was adopted, the chief provisions of which were that the freemen should elect the gov-

* Fiske, *Beginnings of New England*, pp. 127-128; Johnston, *Connecticut*, p. 63 *et seq.* (the constitution being given on pp. 389-396); Paley, *History of New England*, vol. i., pp. 232-234; Trumbull, *History of Connecticut*, vol. i., p. 75 *et seq.*, the constitution being given on pp. 426-430 (1898 reprint); Osgood, *American Colonies*, vol. i., p. 310 *et seq.*; Henry Bronson, *Early Government of Connecticut*, in *Papers of the New Haven Historical Society*, vol. iii.; Bancroft, vol. i., p. 268 *et seq.* For counter opinions as to whether this was the first written constitution see Campbell, *The Puritan in Holland, England and America*, vol. ii., p. 417; Bacon, *Constitutional History of Connecticut*, pp. 5-6; Wm. C. Morey, in *Annals of the American Academy of Political and Social Science*, p. 551 (April, 1891).

† Trumbull, *History of Connecticut*, vol. i., p. 82 *et seq.*

‡ See Trumbull, *History of Connecticut*, vol. i., pp. 78 *et seq.*, 430-434.

* See Edward W. Townsend, *Our Constitution — Why and How It was Made, Who Made It, and What It Is*, pp. 253-259 (1906). Text will be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 519-523; Hazard, *State Papers*, vol. i., pp. 437-441. See also Appendix at the end of the present chapter.

ernor and the four magistrates, and that the Word of God should be "the only rule attended unto in ordering the affairs of government." Trial by jury was also rejected.* Eaton was elected governor and continued in that office until his death in 1658.

The towns surrounding New Haven (Guilford, Milford, Stamford, etc.) continued for some time as independent communities, but in 1643 they were united with New Haven and a General Court established in which each town was represented by its deputies. The whole body of freemen elected the governor, deputy-governor, and assistants, who also sat in the court. In each town there were seven magistrates—"pillars of the church"—who tried petty cases.† In April, 1644, at a meeting of the General Court, the magistrates were ordered to observe "the judicial laws of God as they were delivered by Moses," an order which gave rise to many vague and curious rumors regarding their quaintness and severity.‡ But in spite of its peculiari-

ties, the colony in a few years began to experience a great revival in trade and commerce, and soon became noted for its wealthy people and fine houses, continuing to enjoy comparative peace and prosperity as an independent settlement until its final absorption by Connecticut.*

The government in England now attempted to stop the emigration of Puritans to New England, and in the spring of 1637 issued a proclamation to that effect; and a year afterward, when a squadron of eight vessels was preparing to set forth from the Thames to New England, the privy council interfered to prevent its sailing. Though there seems to be no good authority for the assertion, it has been stated by some that Hampden and Cromwell were among the passengers in this expedition. The ships were delayed only a few days, however, at the end of which time the king removed his restraint, and in the course of time the ships arrived safely in Massachusetts Bay.†

* Osgood, *American Colonies*, vol. i., p. 321 et seq.; Trumbull, vol. i., pp. 80-81; Johnston, *Connecticut*, p. 89 et seq.

† Johnston, *Connecticut*, pp. 102-104; Trumbull, vol. i., p. 107 et seq.

‡ Fiske, *Beginnings of New England*, pp. 134 to 137; Johnston, *Connecticut*, p. 105; J. H. Trumbull, *The True Blue Laws of Connecticut and New Haven and the False Blue Laws invented by the Rev. Samuel Peters* (Hartford, 1876); Hinman, *Blue Laws of New Haven Colony* (Hartford, 1838); Barber, *History and Antiquities of New Haven* (1831); Peters, *History of Connecticut* (London, 1781). Fiske says: "The legislation was quaint enough, though the fa-

mous 'Blue Laws' of New Haven, which have been made the theme of so many jests at the expense of our forefathers, never really existed. The story of the Blue Laws was first published in 1781 by the Rev. Samuel Peters, a Tory refugee in London, who took delight in horrifying our British cousins with tales of wholesale tarring and feathering done by the patriots of the Revolution."

* Palfrey, *History of New England*, vol. i., pp. 225-232; Lambert, *History of the Colony of New Haven* (1838); Atwater, *History of the City of New Haven* (1887); Charles H. Levermore, *The Republic of New Haven in J. H. U. Studies*, extra vol. i.; Barber, *History and Antiquities of New Haven*; Bacon, *Historical Discourses* (1839).

† Bancroft, vol. i., p. 277.

Meanwhile, what settlements had been made in Maine had progressed exceedingly slowly. As previously stated, Sir Ferdinando Gorges had been appointed governor-general, but he never saw the country, and instead sent his nephew and deputy, Captain William Gorges, to establish the government of New Somersetshire, with a council and body of deputies who had jurisdiction over the territory from the Agamenticus to the Penobscot, which at that time held about 1,500 inhabitants. This first regularly constituted government in the "Pine Tree State" was inaugurated in March, 1636, at a meeting held at Saco, then a town of about 150 people. For two years William Gorges stayed in the colony, during his stay effecting a great improvement in its political and economic conditions, but at the end of this time he returned to England.*

In April, 1639, Sir Ferdinando received a new charter which gave to him a strip of land extending 120 miles inland and 60 miles along the coast, or from the Piscataqua to the Kennebec, and covering about one-sixth of the territory within the limits of the present State.† Included in this grant were the settlements at Monhegan, Pemaquid, Casco (now Portland), on Richmond Island,

at Saco, Cape Porpoise (now Kennebunkport), and Agamenticus (now York), at Smith's Islands, and on the mainland at the mouth of the Piscataqua. On receipt of this charter, Gorges drew up an elaborate scheme for the government of the territory, and in 1640 sent out Thomas Gorges as deputy, with subordinates to administer it.* The proprietor was to be represented by a deputy-governor and his assistants who were to form the council, and the freeholders were allowed to select deputies to meet with the council. The proprietor was to make the laws in conjunction with the freemen, but in cases not fully covered by the statutes, the laws of England were to prevail. The proprietor was to establish manorial courts and could also levy taxes, raise troops and declare war. The provinces were divided into bailiwicks or counties, hundreds, parishes and tithings, a lieutenant and eight magistrates being assigned by the proprietor or his deputy to each bailiwick to administer justice.†

Thomas Gorges found the colony in a pitiable condition, buildings dilapidated and stripped of everything, no semblance of a government and very little industry.‡ He immediately called a General Court to con-

* Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 308-309.

† For text see Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1625-1637; Hazard, *State Papers*, vol. i., pp. 442-455; Sullivan, *History of Maine*, App. I.

* Doyle, *English Colonies in America*, vol. ii., pp. 215-219.

† Thwaites, *The Colonies*, p. 151; Adams, *Three Episodes of Massachusetts History*, vol. i., p. 309.

‡ Williamson, *History of Maine*, pp. 270, 283; Hubbard, *New England*, p. 263; *Massachusetts Historical Collections*, series 4, vol. vii., p. 335.

sider the state of affairs, and then set about the task of rehabilitating the settlements. Sir Ferdinando had divided the territory into eight bailiwicks or counties, and these again into hundreds, at the same time appointing a chancellor, treasurer, marshal, master of ordnance, and secretary. Shortly afterward Agamenticus was incorporated into a city (the first on the American continent) with a mayor, alderman, common council and recorder, and was renamed Gorgeana.* In 1643 the deputy-governor returned to England, leaving Richard Vines in authority.†

The progress of the New England colonies had on the whole been steady and rapid, despite internal dissensions and trouble. Trade had increased, vessels were built, mills of various kinds were erected, and the towns and villages had begun to assume a settled appearance. The coastwise trade was, of course, at this time, of the most importance, because the interior was almost an unbroken forest and roads had not yet been cleared for any great distance. According to Mr. Hildreth,‡ the cost of planting the New England colonies had up to this time been about \$1,000,000, though Mr. Hildreth's estimate is probably short of the actual sum. East of the Hudson

there were now twelve independent communities of about 50 towns or settlements, but shortly after this period the separate jurisdictions were gradually reduced by consolidation until there were only six.

In addition to instituting measures to perfect economic conditions, the New England settlers were also careful to lay the foundation of education. A large number of the early pioneers were scholars who had received their education in the best universities at that time to be found in England, and a number of them had become noted for their scholarly attainments even in comparison with some of the most learned minds of the mother country. Native literature began to spring up almost as soon as the colonies were established, a large portion of which consisted of descriptions of the country and reports of the progress of the settlers. The literary tastes of the learned men of the country were in accord with their religious views, and we find that "Mr. Cotton, the teacher of the Boston Church" was presented by Francis Quarles with "the translation of several Psalms in English metre for his approbation." Education was fostered as much as possible, free and grammar classes being provided for the young. A training college had also been established at Newtown, a suburb of Boston, and upon his death in 1638, John Harvard endowed this college with his library of 300 volumes, and with half

* Adams, *Three Episodes of Massachusetts History*, vol. i., p. 311.

† Palfrey, *History of New England*, vol. i., pp. 220-223; Hildreth, vol. i., pp. 265-266; Adams, vol. i., pp. 312-313.

‡ *History of the United States*, vol. i., p. 267.

of his estate amounting to £750. In his memory the college was called Harvard College and the place where it stood called Cambridge, after the famous university in England. Subsequently, the college received annual grants from the colony and donations by individuals and income from various other sources, which enabled

it to lay the foundation of its future usefulness.* In 1638, the first printing press in America was set up at Cambridge.† In 1640 the Psalms, translated from the Hebrew by Thomas Welde and John Eliot, were published in a volume of 300 octavo pages, the first book printed in America north of Mexico.‡

APPENDIX TO CHAPTER VI.

FUNDAMENTAL ORDERS OF CONNECTICUT, 1639.

Forasmuch as it hath pleased the Almighty God by the wise disposition of his diuine prouidence so to Order and dispose of things that we the Inhabitants and Residents of Windsor, Hartford and Wethersfield are now cohabiting and dwelling in and vpon the River of Conectcotte and the Lands thereunto adioyneing; And well knowing where a people are gathered together the word of God requires that to mayntayne the peace and vnion of such a people there should be an orderly and decent Gouerment established according to God, to order and dispose of the affayres of the people at all seasons as occation shall require; doe therefore assotiate and conione our selues to be as one Publike State or Commonwealth; and doe, for our selues and our Successors and such as shall be adioyned to vs att any tyme hereafter, enter into Combination and Confederation together, to mayntayne and p̄searue the liberty and purity of the gospell of our Lord Jesus, wch we now p̄fesse, as also the disciplyne of the Churches, wch according to the truth of the said gospell is now practised amongst vs; As also in or Ciuell Affaires to be guided and gouerned according to such Lawes, Rules, Orders and decrees as shall be made, ordered & decreed, as followeth:—

1. It is Ordered, sentenced and decreed, that there shall be yerely two general Assemblies or Courts, the one on the second thursday in Aprill, the other the second thursday in September, following; the first shall be called the Courte of Election, wherein shall be yerely Chosen frō tyme to tyme soe many Magistrats and other publike Officers as shall be found requissite: Whereof one to be chosen Gouernour for the yeare ensueing and vntill another be chosen, and noe other

Magestrat to be chosen for more than one yeare; prouided allwayes there be sixe chosen besides the Gouernour; wch being chosen and sworne according to an Oath recorded for that purpose shall haue power to administer iustice according to the Lawes here established, and for want thereof according to the rule of the word of God; wch choise shall be made by all that are admitted freemen and haue taken the Oath of Fidellity, and doe cohabitte wthin this Jurisdiction, (hauing beene admitted Inhabitants by the maior prt of the Towne wherein they liue,) or the mayor prte of such as shall be then p̄sent.

2. It is Ordered, sentenced and decreed, that the Election of the aforesaid Magistrats shall be on this manner: euery p̄son p̄sent and qualified for choyse shall bring in (to the p̄sons deputed to receaue the) one single papr wth the name of him written in yt whom he desires to haue Gouernour, and he that hath the greatest nūber of papers shall be Gouernor for that yeare. And the rest of the Magistrats or publike Officers to be chosen in this manner: The Secretary for the tyme being shall first read the names of all that are to be put to choise and then shall seuerally nominate them distinctly, and euery one that would haue the p̄son nominated to be chosen shall bring in one single paper written vpon,

* See Quincy, *History of Harvard University* (2 vols.); Bush, *History of Harvard*; Thayer, *Historical Sketch of Harvard University*; Eliot, *A Sketch of the History of Harvard University*. See also Doyle, *English Colonies in America*, vol. iii., p. 88 *et seq.*

† Doyle, p. 92 *et seq.*

‡ Bancroft, vol. i., p. 280.

and he that would not haue him chosen shall bring in a blanke: and euery one that hath more written papers then blanks shall be a Magistrat for that yeare; wch papers shall be receaued and told by one or more that shall be then chosen by the court and sworne to be faythfull therein; but in case there should not be sixe chosen as aforesaid, besides the Gouernor, out of those wch are nominated, then he or they wch haue the most written paprs shall be a Magestrate or Magistrats for the ensuing yeare, to make vp the foresaid nûber.

3. It is Ordered, sentenced and decreed, that the Secretary shall not nominate any prson, nor shall any prson be chosen newly into the Magestracy wch was not prpownded in some Generall Courte before, to be nominated the next Election; and to that end yt shall be lawful for ech of the Townes aforesaid by their deputies to nominate any two whô they conceaue fitte to be put to election; and the Courte may ad so many more as they judge requisitt.

4. It is Ordered, sentenced and decreed that noe prson be chosen Gouernor aboue once in two yeares, and that the Gouernor be always a mēber of some approved congregation, and formerly of the Magestracy wthin this Jurisdiction; and all the Magestrats Freemen of this Commonwealth; and that no Magestrate or other publike officer shall execute any prte of his or their Office before they are seuerally sworne, wch shall be done in the face of the Courte if they be prsent, and in case of absence by some deputed for that purpose.

5. It is Ordered, sentenced and decreed, that to the aforesaid Courte of Election the seuerall Townes shall send their deputies, and when the Elections are ended they may proceed in any public seruice as at other Courts. Also the other General Courte in September shall be for makeing of lawes, and any other publike occasion, wch concerns the good of the Commonwealth.

6. It is Ordered, sentenced and decreed, that the Gournor shall, either by himselfe or by the secretary, send out summons to the Constables or eur Towne for the cauleing of these two standing Courts, on month at leat before their seuerall tymes: And also if the Gournor and the gretest prte of the Magestrats see cause vpon any spetiall occasion to call a generall Courte, they may giue order to the secretary soe to doe wthin fowerteene dayes warning; and if vrgent necessity so require, vpon a shorter notice, giueing sufficient grownds for yt to the deputies when they meete, or els be questioned for the same; And if the Gournor and Mayor prte of Magestrats shall ether neglect or refuse to call the two

Generall standing Courts or ether of thē, as also at other tymes when the occations of the Commonwealth require, the Freemen thereof, or the Mayor prte of them shall haue power to giue order to the Constables of the seuerall Townes to doe the same, and so may meete together, and chuse to themselves a Moderator, and may proceed to do any Acte of power, wch any other Generall Courte may.

7. It is Ordered, sentenced and decreed that after there are warrants giuen out for any of the said Generall Courts, the Constable or Constables of ech Towne shall forthwth giue notice distinctly to the inhabitants of the same, in some Publike Assembly or by goeing or sending frô howse to howse, that at a place and tyme by him or them lymited and sett, they meet and assemble thē selues together to elect and chuse certen deputies to be att the Generall Courte then following to agitate the afayres of the commonwealth; wch said Deputyes shall be chosen by all that are admitted Inhabitants in the seuerall Townes and haue taken the oath of fidellity; pruided that non be chosen a Deputy for any Generall Courte wch is not a freeman of this Commonwealth.

The aforesaid deputies shall be chosen in manner following: euery prson that is prsent and qualified as before expressed, shall bring the names of such, written in seuerall papers, as they desire to haue chosen for that Imployment, and these 3 or 4, more or lesse, being the nûber agreed on to be chosen for that tyme, that haue greatest nûber of papers written for thē shall be deputies for that Courte; whose names shall be endorsed on the backe side of the warrant and returned into the Courte, wth the Constable or Constables hand vnto the same.

8. It is Ordered, sentenced and decreed, that Wyndsor, Hartford and Wethersfield shall haue power, ech Towne, to send fower of their freemen as deputies to euery Generall Courte; and whatsoever other Townes shall be hereafter added to this Jurisdiction, they shall send so many deputies as the Courte shall judge meete, a reasonable prportion to the nûber of Freemen that are in the said Townes being to be attended therein; wch deputies shall haue the power of the whole Towne to giue their voats and allowance to all such lawes and orders as may be for the publike good, and unto wch the said Townes are to be bownd.

9. It is ordered and decreed, that the deputies thus chosen shall haue power and liberty to appoynt a tyme and a place of meeting togather before any Generall Courte to aduise and consult of such things as may concerne the good of the

publike, as also to examine their owne Elections, whether according to the order, and if they or the grettest prte of them find any election to be illegal they may seclud such for prsent frō their meeting, and returne the same and their reasons to the Courte; and if yt proue true, the Courte may fyne the prty or prtyes so intruding and the Towne, if they see cause, and giue out a warrant to goe to a newn election in a legall way, either in prte or in whole. Also the said deputies shall haue power to fyne any that shall be disorderly at their meetings, or for not coming in due tyme or place according to appoyntment; and they may returne the said fynes into the Courte if yt be refused to be paid, and the treasurer to take notice of yt, and to estreete or levy the same as he doth other fynes.

10. It is Ordered, sentenced and decreed, that euery Generall Courte, except such as through neglecte of the Gournor and the greatest prte of Magistrats the Freemen themselves doe call, shall consist of the Gouernor, or some one chosen to moderate the Court, and 4 other Magistrats al lest, wth the mayor prte of the deputies of the seuerall Townes legally chosen; and in case the Freemen or mayor prte of thē, through neglect or refusall of the Gouernor and mayor prte of the magistrats, shall call a Courte, yt shall consist of the mayor prte of Freemen that are prsent or their deputies, wth a Moderator chosen by thē; In wch said Generall Courts shall consist the

supreme power of the Commonwealth, and they only shall haue power to make laws or repeal the, to graunt leuyes, to admit of Freemen, dispose of lands, vndisposed of, to seuerall Townes or prsons, and also haue power to call ether Courte or Magistrate or any other prson whatsoever into question for any misdemeanour, and may for just causes displace or deale otherwise according to the nature of the offence; and also may deale in any other matter that concerns the good of this comonwelth, excepte election of Magistrats wch shall be done by the whole boddy of Freemen.

In wch Courte the Gouernour or Moderator shall haue power to order the Courte to giue liberty of spech, and silence vnseasonable and disorderly speakeings, to put all things to voate, and in case the vote shall be equall to haue the casting voice. But non of these Courts shall be adiornd or dissolved wthout the consent of the maior prte of the Court.

11. It is ordered, sentenced and decreed, that when any Generall Courte vppon the occations of the Comonwelth haue agreed vppon any sume or somes of mony to be leuyed vppon the seuerall Townes wthin this Jurisdiction, that a Committee be chosen to sett out and appoynt wt shall be the prportion of euery Towne to pay of said leuy, prvided the Committees be made vp of an equall nūber out of each Towne.

14th January, 1638, the 11 Orders abouesaid are voted.

CHAPTER VII.

1625-1660.

PROGRESS OF VIRGINIA.

Conditions in Virginia — Intentions of King James regarding Virginia — Yeardley appointed governor — Succeeded by West — General Assembly summoned — John Potts succeeds West — Laws revised — Colony divided into counties — Trouble with Maryland — Harvey deposed but sustained by the king — Superseded by Sir Francis Wyatt — Laws passed to relieve financial distress — Growth of the colony — Berkeley arrives as governor — Massacre by the Indians — The colony adheres to the king — Parliament endeavors to enforce claim of authority — Richard Bennett, Edward Digges and Samuel Matthews governors — Berkeley reelected — Laws regulating commerce — Suffrage — Religious and educational conditions.

After the London Company had been dissolved, the affairs of the colony were much depressed because of the uncertainty attending land titles and even the form of government. King James had declared that

he had no intention of disturbing the interest of either planter or adventurer, but as he subsequently appointed a commission consisting of opponents of the Company to take temporary charge of Virginia affairs,

the people did not know exactly what to expect. It was feared that the act establishing representative government would be recalled and the privileges the colonists enjoyed under the Company annulled, for though Sir Francis Wyatt and twelve others in Virginia were authorized to conduct the local government, no summons had been issued for an assembly. As before stated, James died March 27, 1625, and with his death expired the commission for Virginia affairs in England. "Charles I. had all the arbitrary notions of his father but fortunately he was under personal obligations to Sir Edwin Sandys and Nicholas Ferrar, Jr., and for their sake he dismissed the former royal commissions and intrusted affairs relative to Virginia to a committee of the Privy Council friendly to the old Company. The Virginians sent George Yeardley to England, and, as a result of his representations, he was returned as governor [in 1626]."* Yeardley died the next year, however, much lamented by the colonists, and in the same year Francis West was elected governor by the council. In this same year, in response to repeated petitions, memorials, etc., from Virginia, Charles I. decided to permit the colony to retain her General Assembly and other political charter rights which James I. had so bitterly op-

posed. The royal order restoring the House of Burgesses arrived in Virginia in March, 1628, and West then issued orders for the first election of burgesses under the grant and also summoned the General Assembly to meet at Jamestown in March, 1628.*

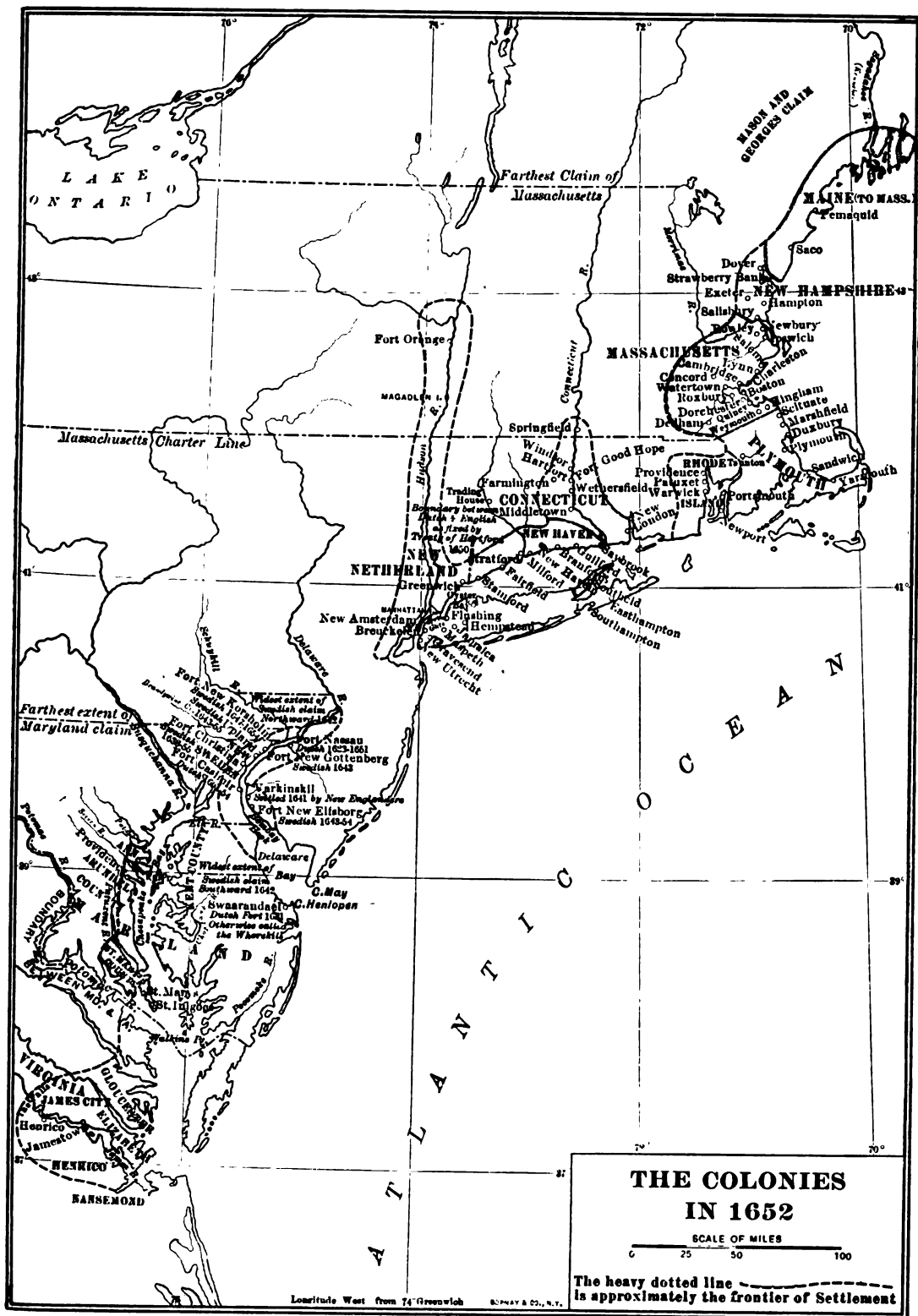
Industrial conditions in the colony were not, however, what had been expected, and we learn from a letter addressed to the king by West and the council that the war with the Indians had not yet terminated; that there was very little enterprise and still less capital, and that the staple product of the colony was that "nauseous, unpalatable weed, tobacco, neither of necessity nor ornament to human life." Despite these economic conditions and other disadvantages to which the colony was subjected, the population had continued to increase, and in 1628 more than 1,000 emigrants arrived from Europe.

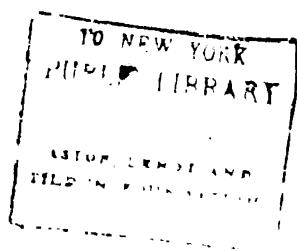
In 1629, Dr. John Potts, "a Master of Arts * * * well practised in chirurgery and physick and expert also in distilling of water [and] many other ingenious devices,"† was elected by the council as West's successor. Potts held the office of governor until the arrival of John Harvey, who had, in the meantime, been appointed to the governorship of the colony by the authorities in the home country. In the same year, however, Potts became involved in

* *The South in the Building of the Nation*, vol. i., pp. 23-24.

* Brown, *English Politics in Early Virginia History*, pp. 93-94.

† Neill, *Virginia Company*, p. 221.





trouble, not only for imbibing too freely in "distilled waters," but also under a charge of cattle-stealing; nothing of any importance grew out of the charges, however, Potts being pardoned and set free so that he could resume the practice of medicine, of such practitioners there being too few in the colony.* When Harvey arrived in the colony he immediately ordered the construction of a fort at Point Comfort, so that he would be able to enforce the payment of a fee (consisting of powder and ball) by every ship passing into the harbor. Harvey was also instrumental in establishing salt works on the eastern shore of Chesapeake Bay.

In 1632 the laws of the colony were revised, many of them being consolidated into a single statute so as to eliminate unnecessary laws and to better those which were retained. As there were a number of regulations regarding religion and morals, it is evident that the authorities were very much concerned in the promotion of morality and godliness among the inhabitants. The various statutes covered many other things: the publishing of bans of marriage, the catechizing of children, the number of times a minister should preach and administer the communion during the year, the punishment to be inflicted for drunkenness, profanity, adultery, slander, etc., and the tithes which

should be demanded for the support of religious institutions. At the same time it was attempted to limit the amount of tobacco to be produced by each colonist, as thereby the planters hoped to raise the price in the English market. Because of competition from the planters in the Barbadoes and the Leeward Isles, the price of tobacco in the markets of England had fallen to six pence per pound, and in order to raise the price the colonists cut down the production. They were required to cultivate a certain portion of the land in corn and to plant and rear vines. Other laws were passed requiring that military exercises be maintained, prohibiting parley with the Indians, and forbidding emigration to New-England, unless previous permission had been granted by the governor. This revised code was read at the beginning of every monthly court, a manuscript copy of which was open to public inspection.*

In 1634 the colony was divided into eight counties, each county having a lieutenant appointed by the governor, while the people themselves chose the sheriff.† In order that the Virginians might not be alarmed over the various infringements made upon their charter rights by the royal commission, the colonial committee of the Privy Council in August, 1634, wrote

* See Fiske, *Old Virginia*, vol. i., pp. 243-250; Neill's *Virginia Company*; Cooke's *Virginia*; Henning's *Statutes at Large*, vol. i., p. 156 et seq.

† Howe, *Historical Collections of Virginia*, p. 58.

* Fiske, *Old Virginia*, vol. i., pp. 252-253. See also Cooke, *Virginia*, p. 164.

to Governor Harvey that "in the present proceeding it is not intended that interests which men (planters) have settled when you were a corporation should be impeached; that for the present the planters may enjoy their estates with the same freedom and privileges as they did before the recalling of their patents."* Thus it may be regarded that Virginia, in spite of the many trials and obstacles in the way of its growth, had taken root in the soil, and a new empire was fast rising into importance in the Western Hemisphere.

The new colony of Maryland had come into the life of the Virginia colony as a disturbing element, and the Marylanders were not looked upon with much favor by the Virginians, as the latter considered that the former were encroaching upon their rights. Harvey, however, had befriended Baltimore, which conduct the colonists considered injurious to Virginia; he had also adopted a number of obnoxious measures which rendered him very unpopular with a large number of Virginians.† As a consequence, Harvey was suspended by the council April 18, 1635, John West being appointed in his place until the king's pleasure might become known.‡ An assembly was

called to receive complaints against Harvey, who then went to England to answer in person such charges as might be preferred against him, but the charges were never even heard, the king declaring the act of the Virginians to be "an assumption of regal power," and in January, 1637, Harvey returned to Virginia with a new commission and in a frame of mind which boded little good to the colonists who opposed him.* For the following two years Harvey continued to exercise the powers of his office with much severity (and according to some writers, with tyranny), but in 1639 he was superseded by Sir Francis Wyatt, and his tyrannical rule came to an end.

Wyatt's administration was one of peace and very acceptable to the majority of the people. In the 18 years between 1624 and 1642, the colony had grown wonderfully and had become remarkably prosperous and progressive. Instead of 4,000 English and 22 negroes, the population totaled 15,000 whites and 300 negroes. During Wyatt's term the assembly passed an act to relieve the financial distress of the colonists, caused by the overproduction of tobacco, the crops far exceeding the demand. It was ordered that "no man need pay more than two-thirds of his debt during the

* Brown, *English Politics in Early Virginia History*, p. 100.

† Fiske, vol. i., p. 293 *et seq.*

‡ The declaration of Harvey concerning the "mutiny of 1635" will be found in the *Virginia Magazine of History and Biography*, vol. i., pp. 416-430.

* Cooke, *Virginia*, pp. 165-167; *The South in the Building of the Nation*, vol. i., p. 25; Doyle, *English Colonies*, vol. i., pp. 195-198; Bancroft, vol. i., pp. 137-139; Brown, *English Politics in Early Virginia History*, pp. 100-101.

stint" and that creditors should take 40 pounds for 100.* Wyatt was succeeded in 1641 by Sir William Berkeley who arrived in Virginia in 1642. Berkeley was a man of high and honorable character, and his administration proved very acceptable to the people.†

In 1643, shortly after the civil war broke out in England, the laws of Virginia were revised for the second time. The majority of the former statutes were retained, though much modified. Among the additions were those requiring that all persons in the colony should use the liturgy of the Church of England and that non-conformists (Puritans) should depart from Virginia;‡ that the monthly courts should be changed into county courts and meet six times a year; and that certain taxes necessary for the conduct of public affairs should be levied, etc.||

But while the political affairs were thus proceeding in comparatively good order, the Indians continued in a hostile attitude and the colonists were trembling lest they should break out into open warfare at any time. Opechancanough, though now an old man, had never forgotten the injuries

inflicted upon him by the colonists and he only awaited a favorable opportunity to inflict every possible damage on the English settlements. The civil war in England had such an effect upon the colony that Opechancanough considered his opportunity had arrived, and on April 18, 1644, a furious assault was made upon the colony which resulted in the killing of about 300 of the colonists. The English now determined upon retaliation and a general war with the Indians ensued. The old chief was taken prisoner and shortly afterward died from wounds that had been inflicted by enraged soldiers. His successor was only too glad to make peace, and in 1644 the Indians agreed to retire from the peninsula between the York and James rivers, and from the south side of the James River as far as the Black River.*

Upon the successful termination of the civil war in England in favor of Cromwell, the Parliamentary Commissioners for Plantations, led by Oliver Cromwell, Sir Henry Vane, Sir Arthur Haselrig and John Pym, endeavored to secure from the Virginians an acknowledgment of their authority, offering them as a bribe the choice of their own governor, but Berkeley, who was a staunch royalist,† had sufficient influence to

* Bancroft, vol. i., p. 139.

† In his later days, however, according to Doyle, he appears as "little better than a merciless and rapacious tyrant."—*English Colonies*, vol. i., p. 207.

‡ Henning, *Statutes-at-Large*, vol. i., p. 297; Cooke, *Virginia*, p. 184.

|| For the various changes see Hildreth, vol. i., p. 335 *et seq.*; Bancroft, pp. 139–141.

* Doyle, *English Colonies*, vol. i., pp. 209–211; Hildreth, vol. i., pp. 340–341; Cooke, *Virginia*, pp. 185–187; *The South in the Building of the Nation*, vol. i., p. 27.

† "He was a pitiless hater of enemies of the State; and in his estimation Puritans and Catho-

prevent such action being taken by the colonial council and the majority decided to adhere to the king. Virginia, thus left to itself, had an opportunity to legislate for the general good of the colony independent of European control.* Mr. Bancroft says: "The colony of Virginia acquired the management of all its concerns; war was levied and peace concluded, and territory acquired, in conformity to the acts of the representatives of the people. Possessed of security and quiet, abundance of land, a free market for their staple, and practically all the rights of an independent State, having England for its guardian against foreign oppression, rather than its ruler, the colonists enjoyed all the prosperity which a virgin soil, equal laws and general uniformity of condition and industry could bestow. Their numbers increased; the cottages were filled with children, as the ports were with ships and emigrants. At Christmas, 1648, there were trading in Virginia ten ships from London, two from Bristol, twelve Hollanders, and seven from New England. The number of the colonists were already twenty thousand; and they who had sustained no griefs, were not tempted to engage in the feuds by which the mother country was divided. They were attached to the cause of Charles,

not because they loved monarchy, but because they cherished the liberties of which he had left them in the undisturbed possession; and after his execution, though there were not wanting some, who, from ignorance, as the royalists affirmed, favored republicanism, the government recognized his son without dispute. * * * The faithfulness of the Virginians did not escape the attention of the royal exile; from his retreat in Breda, he transmitted to Berkeley a new commission; he still controlled the distribution of affairs, and amidst his defeats in Scotland, still remembered with favor the faithful cavaliers in the western world. Charles the Second, a fugitive from England, was still the sovereign of England. 'Virginia was whole for monarchy, and the last country belonging to England, that submitted to obedience of the Commonwealth.' " * *

Parliament, however, was not to be balked in its efforts to enforce its authority in Virginia and the other colonies. In 1652 a fleet under the command of Sir George Ayscue was sent to compel the obedience of Barbadoes. Another expedition was sent to reduce Virginia, and the latter was joined by Ayscue, the combined fleet reaching the Chesapeake in 1652. Though it had been placed in a state

lies were more prominent in that category than the marauding savages who skulked in the forests"—Thwaites, *The Colonies*, p. 75.

* Bancroft, vol. i., p. 141.

* Bancroft, *History of the United States*, vol. i., p. 209 (1st ed.). See also Cooke, *Virginia*, pp. 191-194. The first part of this is evidently copied in Howe, *Historical Collections of Virginia*, pp. 62-63.

of defense, the colony yielded after long consultation without resistance, "to prevent the ruin and destruction of the Plantation," their former liberties, privileges and ancient limits being restored to them; free trade, exemption from taxation save by her own assembly, etc., practically reverting to the charter rights of the original corporation.* It was even agreed that "the governor and council [should] be free to speak well for the king, and pray for him in private houses." Berkeley's commission was declared void and Richard Bennett, one of the Parliamentary commissioners, was elected governor.† Cromwell did not however, interfere with the appointment of governors in Virginia, and when Bennett retired in 1655, Edward Digges was chosen governor, to be succeeded in 1658 by Samuel Matthews, without interference by the home authorities. Matthews soon fell into a dispute with the House of Burgesses regarding certain powers which he claimed belonged to his office, and endeavored to have the dispute settled by Cromwell, but the Virginians determined not to permit this and to assert their independent powers. They declared the sovereignty of the commonwealth, decided that the election of Matthews

was illegal, and then, to show that this action was not taken because of any unpopularity of Matthews, they re-elected him to the office from which he had just been removed. Matthews, therefore, submitted to the people, and the spirit of popular liberty became formally established.*

In January, 1660, Matthews died. This was just at the time when Cromwell resigned and the Stuarts were free to reestablish their dynasty in power in England. In March, 1660, the burgesses convened at Jamestown and passed an act declaring "that the supreme power of the Government of this country shall be resident in the assembly, and that all writs issue in the name of the Grand Assembly of Virginia until such a command or a commission come out of England as shall be by the Assembly adjudged lawfull."† Sir William Berkeley was then re-elected governor.‡ Thus the Virginians established a supremacy of the popular branch of the government, the universal elective franchise, exemption from foreign taxation, religious toleration, and freedom of trade.

At this time the colony was highly prosperous, its tobacco exports amounting to 1,500,000 pounds per year. The climate, soil, convenient

* Brown, *English Politics in Early Virginia History*, pp. 107-108; Cooke, *Virginia*, pp. 195-199; Howe, *Historical Collections of Virginia*, p. 64; *The South in the Building of the Nation*, vol. i., p. 28.

† Cooke, p. 201.

* For a discussion of the manner in which the change was so peaceably accomplished, see Doyle, *English Colonies in America*, vol. i., pp. 212-223; Cooke, pp. 205-207.

† Cooke, p. 219.

‡ Doyle, vol. i., pp. 225-229; Hildreth, vol. i., pp. 364-367.

water-front and other advantages rendered farming highly profitable and fortunes were quickly made. The province was divided into eight shires, each having its sheriffs, sergeants, bailiffs, and its militia commanded by a lieutenant. The shires on the north side of the James River were James City, Henrico, Charles City, Elizabeth City and Warwick; south of the James were the Isle of Wight and York, on the York River; and the "Kingdom of Accomac" included nearly the entire peninsula between the Chesapeake and the Atlantic. Twenty plantations were sufficiently large to be represented in the Assembly by their own burgesses, and there were eight stockaded settlements called "cities." The principal estates were situated chiefly on the north side of the James River, extending back about 70 miles. The plantations were gradually increased as the indentured servants completed their time of bondage. They each received their 100 acres and began to import their own servants. Masters were allowed to take up 50 acres of land for each man whose passage was paid, if he cultivated three of these acres each year. Beyond this residential section were the great outer plantations, and still further were Indian trading posts, forts, etc.

The Virginia statutes favored the independence of the planter rather than the security of trade. The "total ejection of mercenary attorneys" was voted by the representa-

tives of the colonial landholders, and a special act was also passed safeguarding emigrants against suits designed to enforce engagements made in England. It was also determined that colonial obligations might be satisfied by surrendering property. The social conditions were eminently satisfactory, crimes being comparatively few and thefts almost unknown, in consequence of which the spirit of the laws passed up to date was exceedingly mild.

During the time of the Commonwealth in England, Virginia regulated her commerce by independent laws. In October, 1650, the home government had passed an ordinance forbidding all intercourse with those colonies which adhered to the Stuarts, except such as had a license from Parliament or the council of state. Foreigners were rigorously excluded, and, in conjunction with the Navigation Act of the next year, the monopoly of commerce was confirmed to England.* But the ordinance of 1659 became void by the act of capitulation and the Navigation Act was never enforced within the limits of Virginia, unless the occasional confiscations made by the authorities of the colonial assembly may be construed as such. The trade with the Dutch was not wholly abandoned when the war between England and the Netherlands was in progress, and even after the treaty of peace, when the trade

* Bancroft, vol. i., p. 146.

was declared contraband, the restrictions imposed by the English were disregarded. The Dutch and English colonial governments even went so far as to discuss on their own responsibility proposals of peace and commerce, and in 1660 Virginia passed an act promising liberty of trade and equal justice to every Christian nation in amity with England.

The rights of suffrage in Virginia were particularly free, that colony being the first state in the world having separate districts or boroughs, where the representation was based on the principle of a suffrage embracing all payers of a tax, it being considered "hard and unagreeable to reason, that any person shall pay equal taxes, and yet have no vote in elections." The right to vote was therefore given to all freemen, and when servants had completed their time of bondage they also might become electors and be chosen burgesses.*

Religious conditions were excellent and would have been nearly perfect, had it not been for the act of intolerance passed against the Quakers, by

which they were banished and forbidden to return. Ministers were so scarce that a bounty was offered for their importation; during the reign of Charles, measures of disfranchisement and exile were passed to enforce conformity, and in 1658, under the Commonwealth, everything affecting parishes and parishioners was referred to their own ordering. "Benjamin Symes founded a free school in 1635 and Thomas Eaton one in 1659, and the General Assembly required the churchwardens to see that all poor children were taught to read and write."* Virginia hospitality was proverbial, many of the recent comers having been men of education, of property and of condition, and as land was cheap and the soil rich, the competence with which to entertain lavishly was easily obtained, if the occupant were industrious. Wild game, water-fowl, and birds of all varieties were plentiful in the woods and streams, fish and oysters abounded in the rivers and creeks, and hogs ran wild in troops. Truly, Virginia at this time was "the best poor man's country in the world."†

* Bancroft, vol. i., p. 151.

* *The South in the Building of the Nation*, vol. i., pp. 28-29.

† Bancroft, vol. i., pp. 151-153.

CHAPTER VIII.

1632-1660.

THE FOUNDING AND SETTLEMENT OF MARYLAND.

Peculiarity in the origin of Maryland — George Calvert's career — Attempts to found colony in Newfoundland — Obtains charter to Maryland — Charter passes to Cecilius Calvert — Clayborne opposes the charter — Leonard Calvert commands expedition of colonists — St. Mary's founded — Intercourse with the Puritans — Clayborne's attack on Maryland settlers — Laws passed by the first colonial assemblies — The act of toleration — Calvert suppresses rebellion of Clayborne and Ingle — "Plundering time" — Calvert succeeded by Greene and Stone — Maryland claimed by several aspirants — The Puritan settlement in Maryland — Baltimore's authority re-established — Battle of the Severn — Josiah Fendall appointed governor — Assembly asserts its authority — Philip Calvert governor — Population of the colony. Appendix to Chapter VIII.—Charter of Maryland.

The settlement of Maryland and that of Virginia and Massachusetts differ in many respects. Virginia was compelled to undergo many vicissitudes before it became firmly established and secured its liberties. In Massachusetts the colonists had attempted to found a theocracy where there should be no religious toleration and this had caused many dissensions and disputes. Maryland, however, was more fortunate than either Virginia or Massachusetts. From the very beginning its course was prosperous and peaceful. Its founder himself was a man of great breadth of mind and determined to found his colony on a broad basis, allowing the freemen to share in its government and permitting freedom of worship to all sects and creeds. The cause of Baltimore's desire to establish a colony was similar to that which drove the Puritans to America. The Catholics in England had for some time occupied the same uncomfortable position in which the Puritans had

found themselves prior to emigration, for, the Puritans, now being in power in England, determined upon the full execution of the penal statutes against the Catholics; and consequently, the latter desired to escape from their trials at home by emigrating to the New World.

George Calvert was chiefly instrumental in bringing the Catholics to Maryland. A native of Yorkshire and a graduate of Oxford, he was extremely popular in his own county, which was at that time the largest in England. At about the beginning of the reign of James I. he had been chosen to represent Yorkshire in Parliament and soon became a great favorite at court, finally becoming one of the Secretaries of State, which office he occupied for six years (1619-1625). Some time previously he had become converted to the Catholic faith, but he openly avowed his opinions and then resigned his office; but instead of losing the vast influence he had already secured, he was loaded

with further honors and soon afterward was created an Irish peer with the title of Lord Baltimore. He had always been interested in promoting colonizing enterprises, having been one of the original associates of the Virginia Company. In 1623 he had tried the experiment of founding a colony of his own at Avalon, Newfoundland, but though he visited it twice in person and expended more than \$150,000 in an endeavor to sustain it, he was at last compelled to abandon it.* Then turning his thoughts in the direction of Virginia, he had decided to plant a colony there, but he was met with the discouraging situation of religious intolerance, the laws of Virginia compelling an oath of allegiance which was framed so that no Roman Catholic could conscientiously subscribe to it.† Calvert then decided that he would found a settlement for those of his own faith, where they might worship unmolested, and in April, 1632, he secured from Charles I. a grant of a considerable tract on the Potomac.‡ This was named Maryland in honor of the queen, Henrietta Maria.

Being of a clear and comprehensive mind and of a generous nature, Baltimore appreciated that popular government and independence of the crown would be much better for the colony itself; consequently, a condition was incorporated in the charter which granted the freemen of the province the right to revoke any laws which they considered unnecessary or harmful to the province. Baltimore and his heirs had the absolute proprietorship in the soil, and also had the power of making the laws, subject, as above stated, to the advice, consent and approbation of the freemen of the province or their general assembly, but neither Baltimore nor the colonists could enact any laws contrary to the laws of England. The southern boundary of the new province was to be the Potomac, with a line due east from its mouth across the Chesapeake Bay and the peninsula called the eastern shore; on the east were the ocean and Delaware Bay; on the west a line due north from the westernmost head of the Potomac; and on the north the fortieth degree of latitude, which constituted the boundary of the New England patent.* On April 15, 1632,

* Eggleston, *Beginners of a Nation*, p. 224 et seq.; William H. Browne, *Maryland: The History of a Palatinate*, pp. 5-14; Doyle, *English Colonies in America*, vol. i., pp. 277-279; Fiske, *Old Virginia and Her Neighbours*, vol. i., p. 261 et seq.

† Eggleston, pp. 231-232; Browne, pp. 15-16.

‡ For the grant and charter see Bozman, *History of Maryland*, vol. ii; Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1669-1686 (in both Latin and English). See also Appendix at the end of the present chapter.

* Brown in his *Maryland: The History of a Palatinate*, p. 18, says that this charter "contained the most ample rights and privileges ever conferred by a sovereign of England." See also Eggleston, *Beginners of a Nation*, p. 234 et seq.; Hildreth, vol. i., p. 206 et seq.; Bancroft, vol. i., p. 157 et seq. On the model for the charter see Lapsley, *The Palatinate of Durham*, in *Harvard Historical Studies*, no. viii.

Lord Baltimore died before the patent had passed through all the necessary formalities, and on June 20 following the charter was issued and confirmed to his son, Cecilius Calvert, who thenceforth devoted his energies to carrying out the plans and purposes of his father.*

Calvert, however, experienced considerable opposition from William Clayborne, the secretary, and one of the council of Virginia. Clayborne, being of an enterprising nature, had entered into speculation and trade with the Indians under a royal license, and therefore, as he had established a post at the mouth of the Susquehanna and another on the Isle of Kent, he was not disposed to look with favor upon any grant or charter which would interfere with his license.† He thereupon appealed to the Privy Council but in vain, and orders were sent to Virginia demanding that the two parties maintain friendly relations and forbidding either to receive fugitives from the other. Cecilius appointed his brother, Leonard Calvert, to the command of the company to be sent forth for the purpose of founding a settlement in Maryland.‡ On November 20, 1633, embarking in the *Ark* and *Dove*, and proceeding by the West Indies route, the expedition arrived in the Chesapeake

on February 24, 1634. There were 300 colonists in the expedition, the majority of whom were Roman Catholics, and many of them ranking among the gentry. Governor Harvey of Virginia received them kindly and did all in his power to make them comfortable, finally aiding them to fix a site for a settlement. Entering the Potomac, Calvert decided upon a spot which was about to be abandoned by the Indians, as a site for his settlement, and securing this territory from them, built a little village at St. Mary's.*

The progress of the colony would have been rapid, because of the liberal provisions of the charter and the evident willingness of the Indians to cede territory, but again Clayborne came between the little settlement and prosperity and did all possible to prevent its growth.† In April, 1635, having previously attempted to injure the colonists with the Indians, Clayborne even went so far as to equip and arm a small vessel for the purpose of capturing the water craft of the Maryland settlers, claiming that he had power to do so under his exclusive right to trade. The settlers, however, stubbornly resisted and sent two armed boats from St. Mary's in pursuit of Clayborne. After a short engagement in which several lives were lost, the vessel was

* See Browne, *George and Cecilius Calvert*; Hall, *Lords Baltimore*.

† Cooke, *Virginia*, pp. 178-189; *The South in the Building of the Nation*, vol. i., p. 152.

‡ See his Life by Burnap in Sparks, *American Biography*.

* Bancroft, vol. i., pp. 160-162; *The South in the Building of the Nation*, vol. i., pp. 155-156.

† Doyle, *English Colonies in America*, vol. i., pp. 283-285.

captured and the officers made prisoners, but Clayborne succeeded in escaping to Virginia.* Calvert then demanded that Harvey turn him over to the Maryland authorities as being a fugitive from justice, but this Harvey declined to do, and Clayborne was sent to England.† There he attempted to undermine Baltimore's influence at court, and as he was unsuccessful, sought a grant of land from the king which was refused. Baltimore was then confirmed in his claim to the Isle of Kent.‡

Meanwhile the colonists had attempted to open trade with the New England colonies, and in August, 1634, Calvert sent the *Dove* to Massachusetts with a cargo of corn which was to be exchanged for fish, but though the friendly advances of Calvert were backed by Harvey of Virginia, the Puritans were suspicious of entering into any dealings with Calvert, chiefly because of religious differences, and after some sharp words had passed between the crew of the ship and the inhabitants, the *Dove* was sent home with the message

“to bring no more such disorderly persons.”

Baltimore had now expended about \$200,000, which, together with the very liberal terms which he offered to settlers, caused the colonization to proceed steadily though not rapidly. Furthermore, Baltimore displayed rare wisdom in yielding to the wishes of the colonists regarding the enactment of laws. In 1635 the first colonial assembly had passed a number of laws which Baltimore had rejected on the ground that the initiative of legislation belonged to him.* He therefore drew up a body of laws, and in 1638 sent it to the colony to be laid before the second assembly for approval, but the colonists refused to admit that the proprietor had the right to initiate legislation and also declined to adopt the laws which he had sent over. Baltimore therefore yielded the point, and in 1639 a third assembly was held, at which the first body of laws was drawn up for Maryland.† This third assembly was composed of delegates selected from the several hundreds into which the colony had been divided. An act was passed establishing the House of Assembly, and a number of other bills on the subject of municipal law were proposed to be approved by the House, but, for some unexplained rea-

* Bozman, *History of Maryland*, vol. ii., pp. 35, 61; Browne, *Maryland*, pp. 26-34; Fiske, *Old Virginia and Her Neighbours*, vol. i., p. 286 *et seq.*; J. H. Latané, *Early Relations of Maryland and Virginia*, in *J. H. U. Studies*, 13th series, nos. 3-4; Hammond, *Leah and Rachel, or The Two Fruitfull Sisters, Virginia and Maryland*, reprinted in *Force's Tracts*, vol. ii.

† *The South in the Building of the Nation*, vol. i., p. 25.

‡ Doyle, vol. i., pp. 291-296; Fiske, vol. i., pp. 299-301; Browne, pp. 37-40; Bancroft, vol. i., p. 163; Cooke, *Virginia*, pp. 179-180.

* *The South in the Building of the Nation*, vol. i., p. 156.

† Bozman, *History of Maryland*, vol. ii., p. 34 *et seq.*, 107 *et seq.*; see also the resumé of these in Doyle, vol. i., pp. 286-291, 296-299; Browne, *Maryland*, pp. 36, 41-47.

son, these were not adopted. Baltimore was granted a poll-tax subsidy, but the rights of legislative initiative and self taxation were reserved by the people for themselves.* By these statutes, trial by jury, provisions for the probate of wills, conformity to the laws of England, obligation not to neglect the cultivation of corn, etc., were established, and it was also declared that "Holy Church within this province shall have all her rights and liberties." Although the Catholic Church was probably meant by this term, yet Baltimore does not seem to have contemplated the establishment of a colony solely for those of like faith with himself, but he endeavored to repress disputations on the subject of religion, as he considered that such disputations would disturb the peace and tranquillity of the colony. Thus toleration was established in Maryland.† During the next three sessions of the Assembly, this principle of toleration was maintained, and "an act of toleration" was also passed by both branches of the Assembly in 1649.‡ It states "Whereas the enforcing of the conscience in matters of religion hath frequently fallen out to be of dangerous consequence in those commonwealths where it hath been practised, and for the more quiet and peaceable

government of this province, and the better to preserve mutual love and amity among the inhabitants, no person within this province professing to believe in Jesus Christ, shall be any ways troubled, molested, or discountenanced, for his or her religion, nor in the free exercise thereof; nor any way compelled to the belief or exercise of any religion against his or her consent, so that they be not unfaithful to the lord proprietary, or molest or conspire against the civil government established." Of course, liberty of opinion was not as absolute at that time as at the present. A profession of belief in the doctrine of the Trinity was required and severe penalties passed for blasphemy. These were the only limitations of the statute regarding religious worship or opinions.

Clayborne now stirred up more strife in the colony. During the civil war in England he succeeded in organizing a rebellion in the province. While Calvert was in England, Clayborne again took possession of the Isle of Kent, and in conjunction with Richard Ingle endeavored to usurp the government. During 1645 the rebels were in the main triumphant, but in 1646 Calvert after some bloodshed, and with the assistance of Virginia, succeeded in suppressing the rebellion. Clayborne and Ingle managed to destroy or carry off a large part of the records, and during the next two years, in what was known as the "plundering

* Bancroft, vol. i., p. 165.

† Eggleston, *Beginners of a Nation*, p. 251; Hildreth, vol. i., pp. 211-214.

‡ Eggleston, p. 254 *et seq.*; Hildreth, vol. i., p. 347.

time," these two men perpetrated many other acts of disorder and misrule, sending Father Andrew White and other missionaries in chains to England, pillaging the plantations, stripping mills of machinery and houses of furniture and committing other dastardly acts of vandalism. They then set up a government, imposing an oath of allegiance. But soon even their own adherents turned against them, and in April, 1647, when Baltimore's army appeared, St. Mary's was easily captured. Nevertheless, it was deemed wise to pass a general amnesty for all offences, and once again the colony came under its proper authority.* On June 9, 1647, Calvert died and was succeeded by Thomas Greene, but in 1648 Greene was dismissed from office and in his place William Stone, a Protestant, was appointed governor.†

When news of the execution of Charles I. was received in the colony, Greene, then temporarily in charge of the government because of Stone's absence in Virginia, stirred up a burst of loyalty, but Baltimore, not wishing to come into collision with

the party in power, evidently disapproved of the step, and thereby offended Charles II., who in 1650 sent over Sir William Davenant as governor, without any regard whatever to Baltimore's rights as proprietor of the colony. There were, therefore, four distinct claimants to Maryland: Charles II., Parliament, Stone, who was acting governor of the colony, and Virginia, who regarded the colony as a trespass upon her territory.

On April 21, 1649, the Maryland Assembly had passed an act of toleration prohibiting Sunday games, blasphemy and abuse of rival sects, to the end that no one should "bee any waies troubled, molested or discountenanced for or in respect of his or her religion, nor in the free exercise thereof,"* and the first to take advantage of this were 1,000 Puritans, who had been driven from Virginia for non-conformity in their religious worship with the Church of England.† Securing right to a large tract of land on the Severn, they made a settlement which they called Providence (later Annapolis). The government erected their settlements into a county named after Baltimore's wife, Anne Arundel. In 1650 these Puritans took advantage of the rebellion in England to start one of their own,

* Bozman, *History of Maryland*, vol. ii., p. 291 et seq.; Browne, *Maryland*, pp. 58-62; Fiske, *Old Virginia and Her Neighbours*, vol. i., pp. 306-308. On the work of Father White and the other missionaries see Shea, *American Catholic Missions*, p. 483 et seq., and authorities cited, especially Father White's journal published by Force in his *Historical Collections*, vol. iv.; Campbell, *Historical Sketch of the Early Christian Missions among the Indians of Maryland*; McSherry, *History of Maryland*.

† Bancroft, vol. i., pp. 167-168.

* The pertinent sections of this act are given in full in Fiske, *Old Virginia*, vol. i., pp. 309-311; Bancroft, vol. i., p. 168.

† For the details see D. R. Randall, *The Puritan Colony at Annapolis, Maryland*, in *Johns Hopkins University Studies in Historical and Political Science*, series iv., no. vi.

upon the belief that Maryland was "nothing but a nursery of Jesuits and that the poor Protestants were everywhere suppressed." * They said also that their consciences would not permit them to swear allegiance to a Catholic proprietary, or to allow the celebration of the mass and of the rites of the Catholic Church. Some of them endeavored to have Maryland annexed to Virginia, but Baltimore satisfied the Parliamentary commissioners, and his charter was renewed. A vexatious contest thereupon ensued. In 1652 Stone was deposed by Clayborne, who, with Governor Bennett of Virginia, set up a Puritan government at Providence, with William Fuller as president. When the Long Parliament was dissolved, Lord Baltimore's authority was reestablished by Stone, and this brought Clayborne once again into the field. The governorship was taken away from Stone and retaliatory ordinances passed against the "papists." Believing that Baltimore blamed him for the overthrow of his party in the colony, Stone in 1655 endeavored to put down his opponents by force of arms. His attempt was unsuccessful and at the battle of the Severn on March 25 he was defeated by Fuller, taken prisoner, and narrowly escaped death, but was more fortunate than most of his principal adherents, who were condemned to death.† An appeal was made to

Cromwell, but he was too busily engaged with other matters to give any heed to colonial affairs. He sanctioned the usurpation of the government, but refused to sustain the colonists in their endeavor to rob Baltimore of his property.* In July, 1656, Lord Baltimore appointed Josiah Fendall governor and Philip Calvert secretary of the province, and for some time thereafter the colony was divided between the two ruling authorities, the Catholic and the Puritan. President Fuller proceeded to arrest Fendall "for his dangerousness" and the Puritans in England endeavored to induce Cromwell to annul the Maryland charter, but he favored Baltimore's side in the dispute, and in March, 1658, a compromise was effected, Fendall then being acknowledged.† In 1660, just before the restoration of Charles II., the Assembly of Maryland asserted its legitimate authority, and Philip Calvert was then established in the position of governor.‡

At this time it was estimated that the population of Maryland was 10,000, and despite its various trials, the colony had gradually increased in strength and wealth.

vol. i., pp. 359-361; Bancroft, vol. i., pp. 172-174; Cooke, *Virginia*, pp. 208-214.

* Bancroft, vol. i., p. 174.

† Browne, pp. 86-96.

‡ For the details see Doyle, *English Colonies in America*, vol. i., pp. 303-313 and authorities cited. On the official system and the relations between the legislature and the executive see Osgood, *American Colonies*, vol. ii., pp. 58-94, and on the ecclesiastical relations p. 315 *et seq.*

* Browne, *Maryland*, p. 76.

† Browne, *Maryland*, p. 81 *et seq.*; Hildreth,

APPENDIX TO CHAPTER VIII.

THE CHARTER OF MARYLAND—1632.

Charles, by the Grace of God, of England, Scotland, France and Ireland, king, Defender of the Faith, &c. To all to whom these Presents come, Greeting.

II. Whereas our well beloved and right trusty Subject Caecilius Calverts, Baron of Baltimore, in our Kingdom of Ireland, Son and Heir of George Calvert, Knight, late Baron of Baltimore, in our said Kingdom of Ireland, treading in the steps of his Father, being animated with a laudable, and pious Zeal for extending the Christian Religion, and also the Territories of our Empire, hath humbly besought Leave of us, that he may transport, by his own Industry, and Expense, a numerous Colony of the English Nation, to a certain Region, herein after described, in a Country hitherto uncultivated, in the Parts of America, and partly occupied by Savages, having no knowledge of the Divine Being, and that all that Region, with some certain Privileges, and Jurisdiction, appertaining unto the wholesome Government, and State of his Colony and Region aforesaid, may by our Royal Highness be given, granted and confirmed unto him, and his Heirs.

III. Know Ye therefore, that We, encouraging with our Royal Favour, the pious and noble purpose of the aforesaid Barons of Baltimore, of our special Grace, certain knowledge, and mere Motion, have Given, Granted and Confirmed, and by this our present Charter, for Us our Heirs, and Successors, do Give, Grant and Confirm, unto the aforesaid Caecilius, now Baron of Baltimore, his Heirs, and Assigns, all that Part of the Peninsula, or Chersonese, lying in the Parts of America, between the Ocean on the East and the Bay of Chesapeake on the West, divided from the Residue thereof by a Right Line drawn from the Promontory, or Head-Land, called Watkin's Point, situate upon the Bay aforesaid, near the river Wigloo, on the West, unto the main Ocean on the East; and between that Boundary on the South, unto that Part of the Bay of Delaware on the North, which lieth under the Fortieth Degree of North Latitude from the Equinoctial, where New England is terminated; And all that Tract of Land within the Metes underwritten (that is to say) passing from the said Bay, called Delaware Bay, in a right Line, by the Degree aforesaid, unto the true meridian of the first Fountain of the River of Pattowmack, thence verging toward the South, unto the further Bank of the said

River, and following the same on the West and South, unto a certain Place, called Cinquack, situate near the mouth of the said River, where it disembogues into the aforesaid Bay of Chesapeake, and thence by the shortest Line unto the aforesaid Promontory or Place, called Watkin's Point; so that the whole tract of land, divided by the Line aforesaid, between the main Ocean and Watkin's Point, unto the Promontory called Cape Charles, and every the Appendages thereof, may entirely remain excepted for ever to Us, our Heirs and Successors.

IV. Also We do grant and likewise Confirm unto the said Baron of Baltimore, his Heirs, and Assigns, All Islands and Inlets within the Limits aforesaid, all and singular the Islands, and Islets, from the Eastern Shore of the aforesaid Region, towards the East, which had been, or shall be formed in the Sea, situate within Ten marine Leagues from the said shore; with all and singular the Ports, Harbours, Bays, Rivers, and Straits belonging to the Region or Islands aforesaid, and all the Soil, Plains, Woods, Marshes, Lakes, Rivers, Bays, and Straits, situate, or being within the Metes, Bounds, and Limits aforesaid, with the Fishings of every kind of Fish, as well of Whales, Sturgeons, and other royal Fish, as of other Fish, in the Sea, Bays, Straits, or Rivers, within the Premises, and the fish there taken; And moreover all Veins, Mines, and Quarries, as well opened as hidden, already found, or that shall be found within the Region, Islands, or Limits aforesaid, of Gold, Silver, Gems, and precious Stones, and any other whatsoever, whether they be of Stones, or Metals, or of any other Thing, or Matter whatsoever; And furthermore the Patronages, and Advowsons of all Churches which (with the increasing Worship and Religion of Christ) within the said Region, Islands, Islets, and Limits aforesaid, hereafter shall happen to be built, together with License and Faculty of erecting and founding Churches, Chapels, and Places of Worship, in Convenient and suitable places, within the Premises, and of causing the same to be dedicated and consecrated according to the Ecclesiastical Laws of our Kingdom of England, with all, and singular such, and as ample Rights, Jurisdictions, Privileges, Prerogatives, Royalties, Liberties, Immunities, and royal Rights, and temporal Franchises whatsoever, as well by Sea as by Land, within the Region, Islands, Islets, and Limits aforesaid to be

had, exercised, used, and enjoyed, as any Bishop of Durham, within the Bishoprick or County Palatine of Durham, in our Kingdom of England, ever heretofore hath had, held, used, or enjoyed, or of right could, or ought to have, hold, use, or enjoy.

V. And we do by these Presents, for us, our Heirs, and Successors, Make, Create, and Constitute Him, the now Baron of Baltimore, and his Heirs, the true and absolute Lords and Proprietaries of the Region aforesaid, and of all other Premises (except the before excepted) saving always the Faith and Allegiance and Sovereign Dominion due to Us, our Heirs, and Successors; to have, hold, possess, and enjoy the aforesaid Region, Islands, Islets, and other the Premises, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to the sole and proper Be-choof and Use of him, the now Baron of Baltimore, his Heirs and Assigns, forever. To Hold of Us, our Heirs and Successors, Kings of England, as of our Castle of Windsor, in our County of Berks, in free and common Socage, by Fealty only for all Services, and not in Capite, nor by Knight's Service, Yielding therefore unto Us, our Heirs and Successors Two Indian Arrows of these Parts, to be delivered at the said Castle of Windsor, every Year, on Tuesday in Easter Week: And also the fifth Part of all Gold and Silver Ore, which shall happen from Time to Time, to be found within the aforesaid Limits.

VI. Now, That the aforesaid Region, thus by us granted and described, may be eminently distinguished above all other Regions of that Territory, and decorated with more ample Titles, Know Ye, that We, of our more especial Grace, certain knowledge, and mere Motion, have thought fit that the said Region and Islands be erected into a Province, as out of the Plenitude of our royal Power and Prerogative, We do, for Us, our Heirs and Successors, erect and incorporate the same into a Province, and nominate the same Maryland, by which Name We will that it shall from henceforth be called.

VII. And forasmuch as We have above made and ordained the aforesaid now Baron of Baltimore, the true Lord and Proprietary of the whole Province aforesaid, Know Ye therefore further, that We, for Us, our Heirs and Successors, do grant unto the said now Baron, (in whose Fidelity, Prudence, Justice, and provident Circumspection of Mind, We repose the greatest Confidence) and to his Heirs, for the good and happy Government of the said Province, free, full, and absolute Power, by the Tenor of these Presents, to Ordain, Make, and Enact Laws, of what Kind soever, according

to their sound Discretions, whether relating to the Public State of the said Province, or the private Utility of Individuals, of and with the Advice, Assent, and Approbation of the Free-Men of the same Province, or the greater Part of them, or of their Delegates or Deputies, whom We will shall be called together for the framing of Laws, when, and as often as Need shall require, by the aforesaid now Baron of Baltimore, and his Heirs, and in the Form which shall seem best to him or them, and the same to publish under the Seal of the aforesaid now Baron of Baltimore, and his Heirs, and duly to execute the same upon all Persons, for the time being, within the aforesaid Province, and the Limits thereof, or under his or their Government and Power, in Sailing towards Maryland, or thence Returning, Outward-bound, either to England, or elsewhere, whether to any other Part of Our, or of any foreign Dominions, wheresoever established, by the Imposition of Fines, Imprisonment, and other Punishment whatsoever; even if it be necessary, and the Quality of the Offence require it, by Privation of Member, or Life, by him the aforesaid now Baron of Baltimore, and his Heirs, or by his or their Deputy, Lieutenant, Judges, Justices, Magistrates, Officers, and Ministers, to be constituted and appointed according to the Tenor and true Intent of these Presents, and to constitute and ordain Judges, Justices, Magistrates and Officers of what kind, for what Cause, and with what Power soever, within that Land, and the Sea of those Parts, and in such form as to the said now Baron of Baltimore, or his Heirs, shall seem most fitting; And also to Remit, Release, Pardon, and Abolish, all Crimes and Offences whatsoever against such Laws, whether before, or after Judgment passed; and to do all and singular other Things belonging to the Completion of Justice, and to Courts, Praetorian Judicatories, and Tribunals, Judicial Forms and Modes of Proceeding, although express Mention thereof in these Presents be not made; and, by Judges by them delegated, to award Process, hold Pleas, and determine in those Courts, Praetorian Judicatories, and Tribunals, in all Actions, Suits, Causes, and Matters whatsoever, as well Criminal as Personal, Real and Mixed, and Praetorian: Which said Laws, so to be published as abovesaid, We will enjoin, charge, and command, to be most absolute and firm in Law, and to be Kept in those Parts by all the Subjects and Liege-Men of Us, our Heirs, and Successors, so far as they concern them, and to be inviolably observed under the Penalties therein expressed, or to be expressed. So, nevertheless, that the Laws aforesaid be consonant to Reason,

and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the Laws, Statutes, Customs, and Rights of this Our Kingdom of England.

VIII. And forasmuch as, in the Government of so great a Province, sudden accidents may frequently happen, to which it will be necessary to apply a Remedy, before the Freeholders of the said Province, their Delegates, or Deputies, can be called together for the framing of Laws; neither will it be fit that so great a Number of People should immediately, on such emergent Occasion, be called together, We therefore, for the better Government of so great a Province, do Will and Ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the said now Baron of Baltimore, and to his Heirs, that the aforesaid now Baron of Baltimore, and his Heirs, by themselves, or by their Magistrates and Offices, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and Wholesome Ordinances from Time to Time, to be Kept and observed within the Province aforesaid, as well for the Conservation of the Peace, as for the better Government of the People inhabiting therein, and publicly to notify the same to all Persons whom the same in any wise do or may affect. Which Ordinances We will to be inviolably observed within the said Province, under the Pains to be expressed in the same. So that the said Ordinances be consonant to Reason and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the Laws, Statutes, or Rights of our Kingdom of England: And so that the same Ordinances do not, in any Sort, extend to oblige, bind, charge, or take away the Right or Interest of any Person or Persons, of, or in Member, Life, Freehold, Goods or Chattels.

IX. Furthermore, that the New Colony may more happily increase by a Multitude of People resorting thither, and at the same Time may be more firmly secured from the Incursions of Savages, or of other Enemies, Pirates, and Ravagers: We therefore, for Us, our Heirs and Successors, do by these Presents give and grant Power, License and Liberty, to all the Liege-Men and Subjects, present and future, of Us, our Heirs and Successors, except such to whom it shall be expressly forbidden, to transport themselves and their Families to the said Province, with fitting Vessels, and suitable Provisions, and therein to settle, dwell and inhabit; and to build and fortify Castles, Forts, and other Places of Strength, at the Appointment of the aforesaid now Baron of Baltimore, and his Heirs, for the Public and their own Defence; the Statute of Fugitives, or

any other whatsoever to the contrary of the Premises in any wise notwithstanding.

X. We will also, and of our more abundant Grace, for Us, our Heirs and Successors, do firmly charge, constitute, ordain, and command, that the said Province be of our Allegiance; and that all and singular the Subjects and Liege-Men of Us, our Heirs and Successors, transplanted, or hereafter to be transplanted into the Province aforesaid, and the Children of them, and of others their Descendants, whether already born there, or hereafter to be born, be and shall be Natives and Liege-Men of Us, our Heirs and Successors, of our Kingdom of England and Ireland; and in all Things shall be held, treated, reputed, and esteemed as the faithful Liege-Men of Us, and our Heirs and Successors, born within our Kingdom of England; also Lands, Tenements, Revenues, Services, and other Hereditaments whatsoever, within our Kingdom of England, and other our Dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy, and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all Privileges, Franchises and Liberties of this our Kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our Liege-Men born, or to be born within our said Kingdom of England, without Impediment, Molestation, Vexation, Impeachment, or Grievance of Us, or any of our Heirs or Successors; any Statute, Act, Ordinance, or Provision to the contrary thereof, notwithstanding.

XI. Furthermore, That our Subjects may be incited to undertake this Expedition with a ready and cheerful mind: Know Ye, that We, of our especial Grace, certain Knowledge, and mere Motion, do, by the Tenor of these Presents, give and grant, as well as to the aforesaid Baron of Baltimore, and to his Heirs, as to all other Persons who shall from Time to Time repair to the said Province, either for the Sake of Inhabiting, or of Trading with the Inhabitants of the Province aforesaid, full License to Ship and Lade in any the Ports of Us, our Heirs and Successors, all and singular their Goods, as well movable, as immovable, Wares and Merchandizes, likewise Grain of what Sort soever, and other Things whatsoever necessary for Food and Clothing, by the Laws and Statutes of our Kingdoms and Dominions, not prohibited to be transported out of the said Kingdoms; and the same to transport, by themselves, or their Servants or Assigns, into the said Province, without the Impediment or Molestation of Us, our Heirs or Successors, or any Officers of Us, our Heirs or Successors (Saving unto Us, our

Heirs and Successors, the Impositions, Subsidies, Customs, and other Dues payable for the same Goods and Merchandizes) any Statute, Act, Ordinance, or other Thing whatsoever to the contrary notwithstanding.

XII. But because, that in so remote a Region, placed among so many barbarous Nations, the Incursions as well of the Barbarians themselves, as of other Enemies, Pirates and Ravagers, probably will be feared. Therefore We have Given, and for Us, our Heirs, and Successors, do Give by these Presents, as full and unrestrained Power, as any Captain-General of an Army ever hath had, unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, by themselves, or by their Captains, or other Officers to summon to their Standards, and to array all men, of whatsoever Condition, or wheresoever born, for the Time being, in the said Province of Maryland, to wage War, and to pursue, even beyond the Limits of their Province, the Enemies and Ravagers aforesaid, infesting those Parts by Land and by Sea, and (if God shall grant it) to vanquish and captivate them, and the Captives to put to Death, or, according to their Discretion, to save, and to do all other and singular the Things which appertain, or have been accustomed to appertain, unto the Authority and Office of a Captain-General of an Army.

XIII. We also will, and by this our Charter, do give unto the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, Power, Liberty, and Authority, that, in Case of Rebellion, sudden Tumult, or Sedition, if any (which God forbid) should happen to arise, whether upon Land within the Province aforesaid, or upon the High Sea in making a Voyage to the said Province of Maryland, or in returning thence, they may by themselves, or by their Captains, or other Officers, thereunto deputed under their Seals (to whom We, for Us, our Heirs and Successors, by these Presents, do Give and Grant the fullest Power and Authority) exercise Martial Law as freely, and in as ample Manner and Form, as any Captain-General of an Army, by virtue of his Office may, or hath accustomed to use the same, against the seditious Authors of Innovations in those Parts, withdrawing themselves from the Government of him or them, refusing to serve in War, flying over to the Enemy, exceeding their Leave of Absence, Deserters, or otherwise howsoever offending against the Rule, Law, or Discipline of War.

XIV. Moreover, left in so remote and far distant a Region every access to Honors and Dignities may seem to be precluded, and utterly barred, to Men well born, who are preparing to

engage in the present Expedition, and desirous of deserving well, both in Peace and War, of Us, and our Kingdom; for this Cause, We, for Us, our Heirs and Successors, do give free and plenary Power to the aforesaid now Baron of Baltimore, and to his Heirs and Assigns, to confer Favors, Rewards and Honors, upon such Subjects, inhabiting within the Province aforesaid, as shall be well deserving, and to adorn them with whatsoever Titles and Dignities they shall appoint; (so that they be not such as are now used in England) also to erect and incorporate Towns into Boroughs and Boroughs into Cities, with suitable Privileges and Immunities, according to the Merits of the Inhabitants, and Convenience of the Places; and to do all and singular other Things in the Premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own Nature, require a more special Commandment and Warrant than in these Presents may be expressed.

XV. We will also, and by these Presents do, for Us, our Heirs and Successors, give and grant License by this our Charter, unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, and to all Persons whatsoever, who are, or shall be Residents and Inhabitants of the Province aforesaid, freely to import and unlade, by themselves, their Servants, Factors or Assigns, all Wares and Merchandizes whatsoever, which shall be collected out of the Fruits and Commodities of the said Province, whether the Product of the Land or the Sea, into any the Ports whatsoever of Us, our Heirs and Successors, of England or Ireland, or otherwise to dispose of the same there; and, if Need be, within One Year, to be computed immediately from the Time of unlading thereof, to lade the same Merchandizes again, in the same, or other Ships, and to export the same to any other Countries they shall think proper, whether belonging to Us, or any foreign Power which shall be in Amity with Us, our Heirs or Successors: Provided always, that they be bound to pay for the same to Us, our Heirs and Successors, such Customs and Impositions, Subsidies and Taxes, as our other Subjects of our Kingdom of England, for the Time being, shall be bound to pay, beyond which We will that the Inhabitants of the aforesaid Province of the said Land, called Maryland, shall not be burdened.

XVI. And furthermore, of our more ample special Grace, and of our certain Knowledge, and mere Motion, We do, for Us, our Heirs and Successors, grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, full and absolute Power and Authority to make, erect, and

constitute, within the Province of Maryland, and the Islands and Ilets aforesaid, such, and so many Sea-Ports, Harbors, Creeks, and other Places of Unlading and Discharge of Goods and Merchandizes out of Ships, Boats, and other Vessels, and of Lading in the same, and in so many, and such Places, and with such Rights, Jurisdictions, Liberties, and Privileges, unto such Parts respecting, as to him or them shall seem most expedient: And, that all and every the Ships, Boats, and other Vessels whatsoever, coming to, or going from the Province aforesaid, for the Sake of Merchandizing, shall be laden and unladen at such Ports only as shall be so erected and constituted by the said now Baron of Baltimore, his Heirs and Assigns, any Usage, Custom, or other Thing whatsoever to the contrary notwithstanding, Saving always to Us, our Heirs and Successors, and to all the Subjects of our Kingdoms of England and Ireland, of Us, our Heirs and Successors, the Liberty of Fishing for Sea-Fish, as well in the Sea, Bays, Straits, and navigable Rivers, as in the Harbors, Bays, and Creeks of the Province aforesaid; and the Privilege of Salting and Drying Fish on the Shores of the same Province; and, for that Cause, to cut down and take Hedging-Wood and Twigs there growing, and to build Huts and Cabins, necessary in this Behalf, in the same Manner, as heretofore they reasonably might, or have used to do. Which Liberties and Privileges, the said Subjects of Us, our Heirs and Successors, shall enjoy, without notable Damage or Injury in any wise to be done to the aforesaid now Baron of Baltimore, his Heirs or Assigns, or to the Residents and Inhabitants of the same Province in the Ports, Creeks, and Shores aforesaid, and especially in the Woods and Trees there growing. And if any Person shall do Damage or Injury of this Kind, he shall incur the Peril and Pain of the heavy Displeasure of Us, our Heirs and Successors, and of the due Chastisement of the Laws, besides making Satisfaction.

XVII. Moreover, We will, appoint, and ordain, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore, his Heirs and Assigns, that the same Baron of Baltimore, his Heirs and Assigns, from Time to Time, forever, shall have, and enjoy the Taxes and Subsidies payable, or arising within the Ports, Harbors, and other Creeks and Places aforesaid, within the Province aforesaid, for Wares bought and sold, and Things there to be laden, or unladen, to be reasonably assessed by them, and the People there as aforesaid, on emergent Occasion; to whom We grant Power by these Presents, for Us, our Heirs and Successors, to

assess and impose the said Taxes and Subsidies there, upon just Cause and in due Proportion.

XVIII. And furthermore, of our special Grace, and certain Knowledge, and mere Motion, We have given, granted, and confirmed, and by these Presents, for Us, our Heirs and Successors, do give, grant and confirm, unto the said now Baron of Baltimore, his Heirs and Assigns, full and absolute License, Power, and Authority, that he, the aforesaid now Baron of Baltimore, his Heirs and Assigns, from Time to Time hereafter, forever, may and can, at his or their Will and Pleasure, assign, alien, grant, demise, or enfeoff so many, such, and proportionate Parts and Parcels of the Premises, to any Person or Persons willing to purchase the same, as they shall think convenient, to have and to hold to the same Person or Persons willing to take or purchase the same, and his and their Heirs and Assigns, in Fee-simple, or Fee-tail, or for Term of Life, Lives or Years; to hold of the aforesaid now Baron of Baltimore, his Heirs and Assigns, by so many, such, and so great Services, Customs and Rents of this Kind, as to the same now Baron of Baltimore, his Heirs, and Assigns, shall seem fit and agreeable, and not immediately of Us, our Heirs and Successors. And We do give, and by these Presents, for Us, our Heirs and Successors, do grant to the same Person and Persons, and to each and every of them, License, Authority and Power, that such Person and Persons may take the Premises, or any Parcel thereof, of the aforesaid now Baron of Baltimore, his Heirs and Assigns, and hold the same to them and their Assigns, or Heirs, of the aforesaid Baron of Baltimore, his Heirs and Assigns, of what Estate of Inheritance soever, in Fee Simple or Fee-tail, or otherwise, as to them and the now Baron of Baltimore, his Heirs and Assigns, shall seem expedient; the Statute made in the Parliament of Lord Edward, Son of King Henry, late King of England, our Progenitor, commonly called the "Statute Quia Emptores Terrarum," heretofore published in our Kingdom of England, or any other Statute, Act, Ordinance, Usage, Law, or Custom, or any other Thing, Cause, or Matter, to the contrary thereof, heretofore had, done, published, ordained or provided to the contrary thereof notwithstanding.

XIX. We also, by these Presents, do give and grant License to the same Baron of Baltimore, and to his Heirs, to erect any Parcels of Land within the Province aforesaid, into Manors, and in every of those Manors, to have and to hold a Court-Baron, and all Things which to a Court Baron do belong; and to have and to Keep View of Frank-Pledge, for the Conservation of the Peace

and better Government of those Parts, by themselves and their Stewards, or by the Lords, for the Time being to be deputed, of other of those Manors when they shall be constituted, and in the same to exercise all Things to the View of Frank Pledge belong.

XX And further We will, and do, by these Presents, for Us, our Heirs and Successors, covenant and grant to, and with the aforesaid now Baron of Baltimore, His Heirs and Assigns, that We, our Heirs, and Successors, at no Time hereafter, will impose, or make or cause to be imposed, any Impositions, Customs, or other Taxations, Quotas, or Contributions whatsoever, in or upon the Residents or Inhabitants of the Province aforesaid for their Goods, Lands, or Tenements within the same Province, or upon any Tenements, Lands, Goods or Chattels within the Province aforesaid, or in or upon any Goods or Merchandizes within the Province aforesaid, or within the Ports or Harbors of the said Province, to be laden or unladen; And We will and do, for Us, our Heirs and Successors, enjoin and command that this our Declaration shall, from Time to Time, be received and allowed in all our Courts and Prætorian Judicatories, and before all the Judges whatsoever of Us, our Heirs and Successors, for a sufficient and lawful Discharge, Payment, and Acquittance thereof, charging all and singular the Officers and Ministers of Us, our Heirs and Successors, and enjoining them under our heavy Displeasure, that they do not at any Time presume to attempt any Thing to the contrary of the Premises, or that may in any wise contravene the same, but that they, at all Times, as is fitting, do aid and assist the aforesaid now Baron of Baltimore, and his Heirs, and the aforesaid Inhabitants and Merchants of the Province of Maryland aforesaid, and their Servants and Ministers, Factors and Assigns, in the fullest Use and Enjoyment of the Charter.

XXI. And furthermore We will, and by these Presents, for Us, our Heirs and Successors, do grant unto the aforesaid now Baron of Baltimore,

his Heirs and Assigns, and to the Freeholders and Inhabitants of the said Province, both Present and to come, and to every of them, that the said Province, and the Freeholders or Inhabitants of the said Colony or Country, shall not henceforth be held or reputed a Member or Part of the Land of Virginia, or of any other Colony already transported, or hereafter to be transported, or be dependent on the same, or subordinate in any kind of Government, from which We do separate both the said Province, and Inhabitants thereof, and by these Presents do will to be distinct, and that they may be immediately subject to our Crown of England, and dependent on the same forever.

XXII. And if, peradventure, hereafter it may happen, that any Doubts or Questions should arise concerning the true Sense, and Meaning of any Word, Clause, or Sentence, contained in this our present Charter, We will charge and command, That Interpretation to be applied always, and in all Things, and in all Courts and Judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favorable to the aforesaid now Baron of Baltimore, his Heirs and Assigns: Provided always, that no Interpretation thereof be made, whereby God's holy and true Christian Religion, or the Allegiance due to Us, our Heirs and Successors, may in any wise suffer by Change, Prejudice, or Diminution; although express Mention be not made in these Presents of the true yearly Value or Certainty of the Premises, or of any Part thereof; or of other Gifts and Grants made for Us, our Heirs and Successors, unto the said now Lord Baltimore, or any Statute, Act, Ordinance, Provision, Proclamation or Restraint, heretofore had, made, published, ordained or provided, or any other Thing, Cause, or Matter whatsoever, to the contrary thereof in any wise notwithstanding.

XXIII. In Witness Whereof We have caused these our Letters to be made Patent. Witness Ourselves at Westminster, the Twentieth Day of June, in the Eighth Year of our Reign.

CHAPTER IX.

1638-1689.

NEW NETHERLAND: EAST AND WEST JERSEY.

The administration of William Kieft — Further emigration and new settlements — Dispute with the English in Connecticut — Attempt of New Haven people to found a settlement on Delaware Bay — Trouble with the Indians — Massacre by colonists — Treaty of peace arranged — Underhill's expedition against the Indians — Ruined condition of the colony — Kieft becomes unpopular and is succeeded by Stuyvesant — Kieft's death — Condition of the colony upon Stuyvesant's arrival — Arbitration with New England regarding boundary — Stuyvesant resists attempt of New Haven people to settle on Delaware Bay — Inhabitants of New Amsterdam demand further privileges — Assembly dissolved — Stuyvesant drives Swedes from New Sweden which is annexed to New Netherland — Social conditions in New Netherland — Religious intolerance — Educational matters — Economic conditions — Relations with Virginia and Maryland — English press claim for New Netherland — Duke of York's grant of territory — New Amsterdam comes under English rule — Names of towns changed — Operations in Delaware — Despotism measures of the Duke of York — New Amsterdam again becomes a Dutch city — Administration of Anthony Colve — English again assume power — Andros appointed governor — Representative government inaugurated — Charter of liberties and privileges granted — Grants in Jersey to Berkeley and Carteret — Various settlements — General Assembly convenes — Insurrection under James Carteret — Dutch control reestablished — Philip Carteret reestablished in power — John Fenwick and his grant — Penn's connection with charter — Dispute between Carteret and Andros — Grants to the Quakers — Fenwick transfers rights to Penn. Appendix to Chapter IX. — I. Duke of York's Release to Berkeley and Carteret; II. Fundamental Constitution of East New Jersey.

The appointment of Kieft does not seem to have been a judicious step, for though a sober and discreet man and active and zealous, he was rapacious and quick-tempered, and in most respects the opposite to Van Twiller.* In 1638 he energetically entered upon the duties of his office and attempted to extricate New Netherland from the difficulties into which she had fallen under Van Twiller's administration. While he was unsuccessful in his protest against Swedish

colonization on the Delaware, and while his opposition to the encroachments of the New Englanders in Connecticut availed little, still he was able to promote the prosperity of the colony in various ways. The monopoly of the Indian trade was relinquished, the settlers were given valuable privileges, the patroonships were limited, and the Dutch Reformed Church was declared to be the established religion. One of the curious regulations issued by Kieft on April 11, 1641, was that in which he forbade "the tapping of beer during divine service and after one o'clock at night," probably the first order for Sunday closing of saloons, and the first refusal of all night licenses on

* Diedrich Knickerbocker says Kieft was a "brisk, wiry, waspish little old gentleman" who had sharp features, "cheeks scorched into a dusky red by two fiery little gray eyes; his nose turned up and the corners of his mouth turned down, pretty much like the muzzle of an irritable pug dog."

record in the colony.* Beside the settlements at Flatlands and Wallabout on Long Island, Breuckelen was established in 1639. The favorable measures adopted by the West India Company induced large numbers of people to settle in the colony. The English also came from Virginia and Massachusetts in such numbers that it was deemed advisable to compel them to take an oath of allegiance to the States-General, to the Prince of Orange, and to the director of New Netherlands, after which they enjoyed the same rights and privileges as the Dutch.† At New Amsterdam annual fairs were commenced, new boweries were laid out in every direction, a new stone church was erected,‡ and various other measures were adopted toward the advancement of the community.

The Dutch still considered that the English settlement at Red Hill or New Haven was an encroachment on their territorial rights. The Connecticut people continued to annoy the traders at the House of Good Hope on the Connecticut, and it was evident that they had formed a set-

tled purpose to drive the Dutch entirely out of the territory. An agent of Lord Sterling, therefore, laid claim to Long Island, and in 1640 drove off a party from Lynn, Mass., who had attempted to settle on the western end of the island. The Dutch arms were pulled down and an indecent caricature raised in its stead. The Dutch made prisoners of the Lynn people, but when they apologized, allowed them to settle on the eastern end of the island where in 1641 they founded Southampton, placing themselves under the authority of Connecticut. Stamford, Stratford, and Greenwich were also founded about this time by New England colonists, and the English population increased so rapidly even in the territory which was under the Dutch jurisdiction, that an English secretary was found necessary, and the office was bestowed upon George Baxter.*

The New Haven people now desired to found a settlement on Delaware Bay, and for this purpose sent forth an expedition of about 50 families. Upon their arrival at New Amsterdam, Kieft warned them against making any settlement in territory under his authority, but they failed to heed his warning. In May, 1642, therefore, Kieft sent two armed

* Lamb, *City of New York*, vol. i., p. 95. For the various measures see Fiske, *Dutch and Quaker Colonies*, vol. i., p. 167 *et seq.* See also Doyle, *Middle Colonies*, p. 18 *et seq.*

† On the various settlements see Doyle, *Middle Colonies*, p. 78 *et seq.*; Lamb, *City of New York*, vol. i., pp. 88-89.

‡ Within a few years churches were also erected at Beverswyck, Midout, Breuckelen, Bergen (N. J.), etc. See Doyle, *Middle Colonies*, p. 42 *et seq.* See also DeVries' Notes in Jameson, *Narratives of New Netherland*, p. 212.

* Doyle, *English Colonies in America*, vol. ii., p. 224 *et seq.*; Fiske, *Dutch and Quaker Colonies*, vol. i., p. 172 *et seq.*; Hildreth, vol. i., p. 416 *et seq.* See also the monograph by John L. Gardiner in O'Callaghan, *Documentary History of New York*, vol. i., p. 457; Lamb, *City of New York*, vol. i., pp. 91-93.

sloops to break up the settlement, an enterprise into which the commander of the Swedish fort heartily entered.* The leader of the English party, George Lambertsen, was compelled to pay ransom and the other colonists were obliged to swear allegiance to Sweden. The director also insisted that they pay duties at New Amsterdam on the fur trade in the Delaware.† The New Haven people became offended at this and proceeded to such lengths that Kieft finally proclaimed non-intercourse with the colony on the Connecticut.‡

Trouble now arose with the Indians. As numerous murders had been committed, it was deemed necessary to take some steps to meet the emergency. A board of "Twelve Men" was appointed|| and in 1642 a body of 80 men were sent against the Indians, but as the guide lost the way, the expedition was abortive.§ Shortly after this a Hackensack Indian, who had been made drunk and robbed, murdered a Dutch farmer out of revenge, and though the Indians offered full reparation in zeewan, the Indian money, according to the Indian idea of justice in such cases, Kieft would

not listen to wise council, but determined upon bloody redress.* In 1643, before this dispute had been settled, the Mohawks attacked the Tappan Indians who fled to the Dutch, and it was while trusting to the hospitality of the white man that the dastardly plan was hastily formed to cut them off. Though the best men of the colony, including DeVries, remonstrated with Kieft, the plan was carried out and on February 25, 1643, the attack was made. The shrieks of the victims were heard even across the river, men, women and children to the number of 120 or more being killed in the shameless massacre. Numbers of infants with their mothers were drowned in the river; the wounded were killed the next morning in cold blood; and about 30 prisoners were taken across the river to New Amsterdam. This was as black a chapter as any in the annals of the colony and certainly no more civilized than the acts of the savages themselves.†

The Indians immediately determined upon a bloody retaliation, a number of the smaller tribes in the vicinity uniting to carry on the war against the Dutch. All the boweries on the outskirts of the city extending 20 or 30 miles to the northeast were

* Johnston, *Connecticut*, p. 146.

† Lamb, *City of New York*, vol. i., pp. 99, 102.

‡ *Ibid.*, vol. i., p. 102 *et seq.*

|| *New York Colonial Documents*, vol. i., pp. 183, 414; *Collections of the New York Historical Society*, series ii., vol. iii., p. 103; O'Callaghan, *History of New Netherland*, vol. i., p. 241; Lamb, *City of New York*, vol. i., pp. 98-99.

§ DeVries' notes in Jameson, *Narratives of New Netherland*, p. 213, also the Journal of New Netherland in *ibid.*, p. 275.

* *Ibid.*, pp. 215-216.

† Doyle, *Middle Colonies*, p. 21; Lamb, *City of New York*, vol. i., pp. 109-111; Hildreth, vol. i., pp. 420-421; Bancroft, vol. i., pp. 504-505; Roberts, *New York*, vol. i., pp. 59-61. See also the account by DeVries in Jameson, *Narratives of New Netherland*, pp. 225-229, and the Journal of New Netherland, in *ibid.*, p. 277.

attacked; the houses were burned; and such of the women and children as were not killed were carried into captivity. The surviving colonists fled to New Amsterdam in terror, and the majority united in bitterly reproaching Kieft for what had happened. A fast was then proclaimed.* After this savage warfare had been carried on for some time, the Indians considered that their revenge had been satisfied, and in 1643 a treaty of peace was arranged with the Dutch.† Peace was not of long duration, however, and in the autumn of 1643 the war again broke out with greater fury. An appeal from the board of "Eight Men" sent to Holland in October gives an affecting account of the wretched condition of the colony at this time, and it could hardly have been worse.‡ Previous to this date, the erection of a palisade as a protection to New Amsterdam was begun. It stretched across the island at the place where Wall Street now stands.||

During 1643 and 1644 numerous expeditions were undertaken against the Indians which resulted in success.

* Lamb, *City of New York*, vol. i., pp. 112-113.

† Bancroft, vol. i., pp. 505-506. See also the account by DeVries in Jameson, *Narratives of New Netherland*, pp. 229-232; see also pp. 278-279.

‡ A good general account of the governor's attempts to levy taxes, and extracts from the protests of the "Eight Men" will be found in Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 189-194. See also Brodhead, vol. i., p. 371 *et seq.*; Osgood, *American Colonies*, vol. ii., p. 145 *et seq.*; *N. Y. Col. Docs.*, vol. i., pp. 144, 148, 209.

|| Villard's *Early History of Wall Street*, in the *Half-Moon series* (New York, 1897).

Captain John Underhill, who had subdued the Pequots, had now established himself in New Netherland and offered to give the Dutch the advantage of his military skill in their fight against the Indians, who, to the number of about 700, were encamped in the rugged mountain country north of Stamford, Conn. Leading a body of 130 Dutch soldiers against the Algonquin stronghold in March, 1644, Underhill repeated his Pequot success, leaving the Algonquin village in ashes and the entire tribe dead (only 8 escaping), while the loss to the Dutch was only 15.* This blow broke up the formidable league of the tribes against the Dutch. The "Eight Men" strongly complained against Kieft's conduct, and sent an appeal to Holland respecting the war,† but it was not until August 30, 1645, that a treaty of peace was agreed upon.‡ During the war, the settlers about New Amsterdam had been almost entirely ruined, only five or six remaining out of the thirty flourishing boweries, while hardly 100 fighting men could be mustered.||

* Brodhead, vol. i., pp. 390-391; the *Journal of New Netherland* in Jameson, *Narratives of New Netherland*, pp. 279-284; Lamb, *City of New York*, vol. i., pp. 118-119.

† The various petitions sent to the Company at this time led to an exhaustive investigation by the States-General which involved important results for the province, *N. Y. Col. Docs.*, vol. i., pp. 139, 141, 188 *et seq.*

‡ Brodhead, vol. i., pp. 407-408; Lamb, *City of New York*, vol. i., p. 122.

|| For other details regarding the Indian trouble see Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 178-188, 195-196; Hildreth, vol. i., pp. 423-428.

Kieft not only embroiled himself with the inhabitants, but also continued his unfriendly relations with New England. In July, 1643, he had endeavored to come into more friendly relations with the New Englanders by sending a letter of congratulation to the commissioners for the United Colonies of New England, but at the same time he complained of the "insufferable wrongs" to which the Dutch residents at Good Hope had been subjected by the people of Connecticut. Naturally, the commissioners could not let such a complaint pass without notice. At their meeting in September they made counter charges against the Dutch which led, as was natural, to a rejoinder on the part of Kieft, and this crimination and recrimination continued for some time without any good result to either party.* In his own town Kieft had become tyrannous, exacting and arbitrary. He fell into a number of disputes with the ministers of churches as well as individuals,† and finally matters came to such a pass that the "Eight Men" preferred charges against Kieft to the council, petitioned for his removal, and requested that the Company appoint a new director.‡ Accordingly, in May, 1645, the Company

appointed Petrus Stuyvesant, governor of Curaçoa, a staunch old soldier, but very haughty and imperious in his bearing,* to the office vacated by Kieft. Stuyvesant received his commission and took office before the States-General July 28, 1646. At this same time the Company removed some of the restrictions upon imports and exports, though New Amsterdam was continued as the sole port of entry. The Company also promised that representative government should be instituted, proposing that deputies from each township should meet twice a year to confer with the governor and council on public affairs.†

When Kieft departed, he carried with him, according to report, about \$100,000 worth of furs, but the ship on which he sailed was wrecked off the coast of Wales in 1647, and he with about 80 others were lost.‡

In May, 1647, when Stuyvesant assumed the government,|| the condition of the colony was far from being prosperous, in comparison with Virginia and Maryland on the south and the New England colonies on the north. At this time the southern colonies contained about 20,000 inhabitants and the New England colo-

* Hildreth, vol. i., p. 423.

† For which see Doyle, *Middle Colonies*, p. 22. *et seq.*; Brodhead, vol. i., p. 357 *et seq.*; Fiske, pp. 196-198.

‡ Brodhead, vol. i., pp. 397-400; Roberts, *New York*, vol. i., p. 83; Lamb, *City of New York*, vol. i., p. 119 *et seq.*

* As Diedrich Knickerbocker says: "A valiant, weather-beaten, mettlesome, obstinate, leathern-sided, lion-hearted, generous-spirited old governor."

† *N. Y. Col. Docs.*, vol. i., p. 149.

‡ Lamb, *City of New York*, vol. i., pp. 136-137.

|| His instructions are in Brodhead, vol. i., p. 414.

nies about the same, while in New Netherland there were only about 2,000 people. New Amsterdam was a village of wooden huts with roofs of straw and chimneys of mud and sticks; a large proportion of the buildings were devoted to the sale of rum, beer and tobacco. Brooklyn set up a municipal government in 1646. Long Island and Rensselaerwyck were accounted prosperous. There were about 50 boweries or farms; mines of valuable ore, quick-silver and gold were reported in Staten Island and toward the South River; barytes, supposed to be gold, had also been found in the Catskill.* Beverswyck, which then stood on the site of the present city of Albany, was a hamlet of only ten houses. On the western end of Long Island were a number of plantations, but these belonged principally to the Dutch and English and were under English domination.

When Stuyvesant arrived in 1647, the United Colonies of New England sent him a letter of congratulation, which also included a resumé of the complaints previously sent by and to Kieft. Stuyvesant had been instructed to settle these old disputes and differences, if possible, and he immediately set about the task. The negotiations did not advance easily and rapidly, however, and it was not until September 19, 1650, that the arbitrators who had been appointed by the various litigants succeeded in

reaching a conclusion. "By their award, all the eastern part of Long Island, composing the present county of Suffolk, was assigned to New England. The boundary between New Haven and New Netherland was to begin at Greenwich Bay, to run northerly twenty miles into the country, and beyond 'as it shall be agreed,' but nowhere to approach the Hudson nearer than ten miles. The Dutch retained their fort at Good Hope, with the lands appertaining to it; but all the rest of the territory on the river was assigned to Connecticut. Fugitives were to be mutually given up."*

In 1651 some people from New Haven renewed the attempt to establish a settlement on the Delaware. Stuyvesant resisted the attempt, seized the ship, detained the emigrants and on the present site of Newcastle built a fort which was named Fort Casimir. The New Englanders denounced this attack as a violation of the late treaty, and in consequence the old disputes were renewed.† It was even proposed that

* Hildreth, *History of the United States*, vol. i., p. 438. See also Doyle, *English Colonies in America*, vol. ii., pp. 292-293, 296-298; Johnston, *Connecticut*, pp. 147-149; Trumbull, *History of Connecticut*, vol. i., pp. 141-142, 153-157; Palfrey, *History of New England*, vol. i., pp. 337-338, 364-366; Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 251-259; *Plymouth Colony Records*, vol. ix., p. 188; Lamb, *City of New York*, vol. i., pp. 148-149; Osgood, *American Colonies*, vol. i., pp. 407-409; *New York Historical Collections*, 1st series, vol. i.

† Johnston, *Connecticut*, p. 149; Trumbull, *History of Connecticut*, vol. i., pp. 159-160.

* Roberts, *New York*, vol. i., pp. 65-66.

an expedition be sent out by the New Englanders to conquer the Dutch at New Netherland, especially as war had broken out between the Dutch and English at home. It was further alleged that the Dutch and Narragansetts had formed a plot to murder the entire body of English colonists. Massachusetts, however, refused to join in any such proceeding, and it was therefore dropped.*

In 1652 certain municipal privileges were granted to the inhabitants of New Amsterdam upon petition to the authorities at home, but these privileges did not satisfy them and they expressed a desire for still further popular liberty.† On December 10, 1653, two delegates from each village assembled in convention and were preparing to demand from the authorities at New Amsterdam a share in the legislation and in the appointment of magistrates, but Stuy-

vesant dissolved the assembly, refused to accede to their demands as being presumptuous and absurd, and told the delegates that he did not need any aid from the people in the discharge of his duties.* He said: "We derive our authority from God and the Company, not from a few ignorant subjects, and we alone can call the inhabitants together." The Company in Holland warmly approved his conduct. It was in this year (1653) that New Amsterdam was incorporated as a city.† In May, 1654, Fort Casimir came into the possession of the Swedes through a stratagem, but at this time Sweden was not a formidable power, and the Company directed Stuyvesant to subdue the Swedes and take possession of the South Bay and river. Again, in November, 1654, Stuyvesant was ordered to avenge the infamous surrender of Fort Casimir by driving the Swedes out of the country,‡ and therefore, in the following year, 1655, he set out for the Delaware with a force of between 600 and 700 men. He had little difficulty in accomplishing his object, and New Sweden again became a part of New Netherland.||

* Doyle, *English Colonies in America*, vol. ii., pp. 298-300; Palfrey, *History of New England*, vol. i., p. 366 *et seq.*; Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 261-267; Trumbull, *History of Connecticut*, vol. i., pp. 168-171.

† For the details of the disputes between Stuyvesant and the colonists leading up to and following the sending of this petition, see Fiske, vol. i., pp. 198-218, 227-237; O'Callaghan, *New Netherlands*, vol. ii.; Doyle, *Middle Colonies*, p. 28 *et seq.*; Lamb, *City of New York*, vol. i., p. 142 *et seq.*; Bancroft, vol. i., p. 513 *et seq.*; Roberts, *New York*, vol. i., p. 73 *et seq.* The "Representation" of 1649 and the answer by Cornelis Van Tienhoven will be found in Jameson, *Narratives of New Netherland*, pp. 293-377; *Collections of the New York Historical Society*, series ii., vol. ii., pp. 125-242, 251-338; *N. Y. Col. Docs.*, vol. i., pp. 259, 261, 271-318, 422-432; *Pennsylvania Archives*, series ii., vol. v., pp. 124-170.

* Fiske, vol. i., pp. 267-269; Roberts, *New York*, pp. 81-82; *Holland Documents*, vol. xv., pp. 168-175; *Albany Records*, vol. ix., pp. 5, 15, 17-24, 26, 28-56; Lamb, *City of New York*, vol. i., pp. 166-167. On the official system in New Netherland see Osgood, *American Colonies*, vol. ii., p. 95 *et seq.*; Doyle, p. 34 *et seq.*

† Doyle, *Middle Colonies*, pp. 30-31.

‡ *N. Y. Col. Docs.*, vol. xii., p. 85.

|| Winsor, *Narrative and Critical History*, vol. iv., p. 467 *et seq.*; Lamb, *City of New York*, vol. i.,

The affairs of New Netherland now seemed to be decidedly on the improvement. In 1653 the population amounted to about 2,000, including 800 in the city, and by 1664 Stuyvesant estimated the population at 10,000,* of whom 1,600 were in the city. The appearance of New Amsterdam was not prepossessing. The few streets which had been regularly laid out were paved with cobblestones and the only drainage was a gutter in the middle of the street. Many of the streets were lined with trees and the majority of the houses were surrounded by orchards and gardens. Down what is now Broad Street ran a canal, but in 1676 this was filled in. In 1655 Stuyvesant secured the passage of an ordinance prohibiting the construction of wooden chimneys, and in 1657 ordered all wooden chimneys in existence to be demolished. The situation of the old town is now scarcely recognizable, Bowling Green and the Battery, once occupied by the fort and the Dutch dwellings, now being completely hemmed in by colossal and stately office buildings and the government custom house.†

pp. 175-176; Fiske, vol. i., pp. 237-242; Doyle, *Middle Colonies*, pp. 62-67; the letter by Johannes Bogaert in Jameson, *Narratives of New Netherland*, pp. 383-386. The Swedish version will be found in *Pennsylvania Archives*, series ii., vol. v., pp. 222-229, and in *Collections of the New York Historical Society*, series ii., vol. i., pp. 443-448.

* Brodhead, vol. i., p. 734, quoting Stuyvesant's letter of June 10, 1664.

† Doyle, *Middle Colonies*, p. 76. See also the description of the city as it was in 1661 in Jameson, *Narratives of New Netherland*, pp. 421-424;

Politically the colonists were progressing rapidly, and considering the short space of time since the colony had been established, they had secured relatively greater political freedom than their English neighbors in the south and in New England. The religious conditions were not so far advanced, as the economic and political sides of their existence had absorbed almost the entire attention of the colonists. There does not seem to have been a church at Manhattan nor a minister until 1628, though the congregation occasionally met under the ministration of two krankbesoekers, or visitors of the sick.* In 1628 an ordained clergyman, named Jonas Johannis Michaelius, was sent from Amsterdam,† and in 1652 a second pastor was chosen at New Amsterdam, he being required to preach in Dutch, French, and English.‡ In addition to the churches previously mentioned, there were little independent churches at West Chester and at Middelburgh, Long Island, but there does not seem to have been an established ministry or an organized church at either place,

also Lamb, *City of New York*, vol. i., p. 179 *et seq.*

* Doyle, p. 41.

† An interesting letter was sent home by this man giving a description of the conditions at New Netherland at this time. It will be found in *N. Y. Col. Docs.*, vol. ii., pp. 757-770; translated by Rev. John G. Fagg in *Ecclesiastical Records, State of New York*, vol. i., pp. 49-68 (Albany, 1901); and in Jameson, *Narratives of New Netherland*, pp. 122-133.

‡ Brodhead, vol. i., p. 537.

though the former had collective religious exercises and the latter had a preacher.* In 1654 the Lutherans requested permission to organize a church of their own, but the Presbyterians opposed it, supporting Stuyvesant in his unfriendly attitude.† The Company soon afterward refused the request and instructed Stuyvesant to use his utmost endeavors to bring the Lutherans into the Calvinistic faith.‡ In 1657 five Quakers arrived at New Amsterdam and soon became embroiled in a dispute with Stuyvesant, principally because they preached in the streets. One of them, Robert Hodgson, was arrested, sentenced to a fine of 100 guilders, in default of which he was to be flogged and publicly worked in the streets with negroes for two years, chained to a wheelbarrow.|| His sentence was soon afterward withdrawn, however, though Stuyvesant considered that the disciples of Hodgson had become sufficiently numerous to warrant the issuing of a proclamation making it an offence punishable by a fine of £50 to harbor a Quaker.§ The citizens of Flushing refused to obey this edict, and their political rights granted by Kieft were

withdrawn by Stuyvesant, a council of seven of the inhabitants of the town being appointed to administer its affairs. In 1662, however, another Quaker adherent, John Bowne, was arrested for allowing his house to become a meeting place for the Quakers and was sent a prisoner to Amsterdam. There Bowne succeeded in obtaining a hearing from the directors of the Company, who sharply reproved Stuyvesant for overstepping his authority. While the Company did not in any way expressly befriend the Quakers, they were given ample protection under the instructions that no man was to be molested for his religious beliefs, unless he should create a civil disturbance.*

Educational matters were in the same uncertain condition. In 1633 a schoolmaster had come into the colony, as previously mentioned, but there was no schoolhouse nor any regular provision for teaching, and, therefore, classes were only intermittent and poorly attended. In 1650 a schoolmaster was appointed at New Amsterdam;† in 1652 a school was to have been held in the city tavern;‡ and at about the same time a school was established at Rensselaerwyck, the schoolmaster also being the clergyman.|| Soon afterward, a Latin

* O'Callaghan, *Documentary History of New York*, vol. iii., p. 69 *et seq.*

† See the letter of Megapolensis and Drisius in Jameson, *Narratives of New Netherland*, pp. 393-400; Lamb, *City of New York*, vol. i., p. 178.

‡ Brodhead, vol. i., p. 582.

§ Jameson, *Narratives of New Netherland*, pp. 400-401; Lamb, vol. i., p. 184.

§ Doyle, *Middle Colonies*, pp. 44-45.

* Doyle, *Middle Colonies*, pp. 46-47; Jameson, *Narratives of New Netherland*, p. 400, note 4; Lamb, *City of New York*, vol. i., pp. 199-200.

† Lamb, *City of New York*, vol. i., p. 158; Brodhead, vol. i., p. 516.

‡ *Ibid.*, p. 537.

§ *Ibid.*, p. 538.

schoolmaster, Alexander Curtius, was engaged. The Company paid him 500 guilders and the city 200, while he was also allowed to earn extra money by practising as a physician.* In 1662 Curtius returned to Holland, and under his successor a high school was founded, acquiring such a reputation for scholarship that pupils even came from Virginia to attend it.† Before 1664 there were nine schools in the colony.‡

Commercially and industrially, there was little difference between the Dutch and the English colonies. The estates of the patroons were not dissimilar to the Southern plantations except that there was a tendency for villages (such as Beverswyck), to grow up within the patroonship, a condition that did not obtain in the South.|| Slave labor soon began to rival free labor. The Company had guaranteed to supply the settlers with negroes and many were brought in, but large importations were impossible because of the prohibitive duty imposed by the Company. In 1644, however, the Company passed an ordinance emancipating its slaves after a certain period of service, though they were still compelled to pay certain dues and their children were to remain slaves. Again in 1663 the Company granted certain slaves partial freedom, they being

allowed to work alternate weeks for themselves.* The commercial policy of the Company was extremely rigid, due chiefly to the facts that divers nationalities handled the trade of the colony and that there was little community of interest between the home merchants and the colonists. The chief trade was in furs, for which there was an unlimited demand, and thence sprung an illicit trade which was an inevitable source of danger, as the Indians, from whom the furs were obtained, required guns and powder in exchange, thereby being supplied with the ammunition by which they were enabled to carry on a desultory war for so many years.†

The Dutch maintained amicable relations with Virginia and a mutually profitable trade was carried on. There was a serious dispute with Maryland, however, as to the ownership of the western bank of the Delaware, the Dutch stoutly denying the Maryland claim that the territory was within the limits of the Maryland grant. The Dutch insisted that their prior occupancy gave them the right to the territory. In 1659 there were further Indian troubles, caused chiefly by the selling of "fire-water" to them. In drunken condition the Indians committed many murders, for which the Dutch immediately retaliated and in consequence of which many lives were lost. In 1660 a com-

* *Ibid.*, p. 656.

† *Ibid.*, p. 634.

‡ Doyle, *Middle Colonies*, p. 76.

|| *Ibid.*, p. 48.

* *Ibid.*, p. 49.

† *Ibid.*, pp. 49-50.

pact of peace was made,* but in 1663 it was broken by the savages. They had been waiting an opportunity to revenge the banishment of some Indians by Stuyvesant to the West Indies, and they furiously attacked the settlers at Esopus, but late in the fall of 1663 peace was again declared after the Indians had been subdued.†

While the Maryland dispute was vexatious, it was of comparatively small moment‡ and could not be compared with the importance of the troubles with New England. Connecticut being the nearest neighbor of the Dutch, she was the greatest transgressor. She was eager for territory, and in May, 1662, after a royal charter had been granted her, she began to press her claim to Long Island, Westchester, and in fact, all of the land east of the Hudson, a commissioner being sent by Connecticut to notify the Dutch townships that they were under her jurisdiction.¶ Stuyvesant himself went to Boston to protest against this action, and in October, 1663, sent agents to Hartford, but little was accomplished.§ The New Englanders, by

smooth talk, warded off any immediate trouble, but they could not succeed in allaying the suspicions of Stuyvesant, who in 1663, despite his contempt for popular assemblies, asked the advice of the people. The people, however, could give him little assistance, and therefore the days of New Netherland were numbered.*

The English now determined to enforce their claim to the territory occupied by the Dutch with something more effective than words.† The Duke of York had purchased the claims of Lord Stirling under grants which he had received from the extinct council of New England, and in March, 1664, Charles II. granted him a charter for a tract of land lying between the Connecticut and the Delaware, including in it New Netherland. The name New York was then bestowed upon the new province.‡

In August, 1664, the Duke of York sent four ships with 450 soldiers to seize upon New Netherlands, and on board these ships were Colonel Richard Nicolls, Colonel George Cartwright, Sir Robert Carr and Samuel

pp. 385-392 and in Jameson, *Narratives of New Netherland*, pp. 432-445.

* Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 274-283; Hildreth, vol. i., pp. 442-443; Doyle, *Middle Colonies*, pp. 87-92; Lamb, *City of New York*, vol. i., pp. 202-204.

† Chalmers states that the settlement of New Netherlands was in violation of the law of nations. Chalmers, however, writes with strong English prejudices. See his *Introduction to the Revolt of the American Colonies*, vol. 1., p. 116.

‡ The charter in full will be found in *N. Y. Col. Docs.*, vol. iii., p. 265; and in an appendix of Brodhead, vol. ii.

* Lamb, *City of New York*, vol. i., pp. 186-189.

† Roberts, *New York*, pp. 86-88; Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 270-274; Doyle, *Middle Colonies*, p. 53 et seq.; Lamb, vol. i., pp. 200-201.

‡ For the details see Browne, *Maryland*, p. 96 et seq.; the extract from the Maryland Records in the *Collections of the New York Historical Society*, 1st series, vol. iii., p. 368; Heerman's *Journal*, in *N. Y. Col. Docs.*, vol. ii., p. 88.

¶ Brodhead, vol. i., p. 719.

§ Their journal is in *N. Y. Col. Docs.*, vol. ii.,

Maverick, who came as commissioners. While the Dutch had heard rumors of the designs of the English, they had made no effectual defence.* Stuyvesant had endeavored to rouse the inhabitants to make a spirited defence by recalling the famous deeds of their forefathers, but he met with a feeble response.† Nevertheless, he determined to assume a bold front in the matter and sent a request to the English commander for the reason of his hostile appearance. Nicolls replied asserting the claims of England and demanding that New Amsterdam be surrendered immediately, guaranteeing that the lives, liberties and property of the inhabitants would be respected. Stuyvesant, however, protested against such procedure and recited the manner in which the Dutch had settled the country, at the same time asserting his belief that "if his Majesty of Great Britain were well informed of such passages, he would not be too judicious to grant such an order" as that by which he was summoned. He also reminded the commissioners that it was "a very considerable thing to affront so mighty a state as Holland, although it were not against an ally or confederate." The English commander, however, was not moved by either threat or argument; he refused to continue

parleying and threatened to attack the city immediately if it were not surrendered. Though extremely mortified, Stuyvesant felt that it was best to submit to circumstances, particularly as the majority of citizens were unwilling to run the risk of assault by the English, the city being in no way able to offer an effectual opposition. Moreover, the inhabitants were discontented with Dutch rule and there were many who were disposed to welcome a change to English domination and jurisdiction.* A liberal capitulation was arranged; the inhabitants were guaranteed their rights and privileges,† and on September 4, 1664, New Amsterdam became an English possession.‡ A few days later, Fort Orange up the Hudson capitulated, and subsequently a treaty was concluded at that place with the chiefs of the Five Nations.||

Meanwhile Sir Robert Carr had entered the Delaware, and on Octo-

* Roberts, *New York*, vol. i., pp. 92-93. See also the letter of the town council of New Amsterdam in Jameson, *Narratives of New Netherland*, pp. 451-453, and in Berthold Fernow, *Records of New Amsterdam from 1653 to 1674*, vol. v., pp. 114-116; Lamb, *City of New York*, vol. i., pp. 209-213.

† *Bulletin of the New York State Library, General Entries*, p. 95; *N. Y. Col. Docs.*, vol. ii., pp. 250-253; Bancroft, vol. i., pp. 517-519; Brodhead, vol. i., pp. 762-763, vol. ii., pp. 27-35; Doyle, *Middle Colonies*, pp. 98-104; Trumbull, *History of Connecticut*, vol. i., pp. 220-223 (1898 reprint).

‡ Stuyvesant's report will be found in *N. Y. Col. Docs.*, vol. ii., pp. 365-370, and in Jameson, *Narratives of New Netherland*, pp. 458-466.

|| Brodhead, vol. ii., pp. 45-47.

* For the system of defence see Osgood, *American Colonies*, vol. ii., p. 389 *et seq.* See also Stuyvesant's description of the state of defences in *N. Y. Col. Docs.*, vol. ii., pp. 430, 475.

† Doyle, *Middle Colonies*, p. 98.

ber 10, 1664, after the fleet had anchored off New Amstel, the civil population at once accepted English supremacy, but the commander of the fort, Alexander d'Hinoyoosa, refused to surrender. The ships then opened a broadside, and an attacking party was sent against the fort. At the first fire the Dutch lost 13 men, without inflicting any damage on the English, who then rushed to the attack and soon reduced the garrison into submission.* Thus New Netherland became an integral part of the English colonial empire. The Dutch inhabitants readily acquiesced in the change of rulers, and even Stuyvesant himself, because of the strong attachment to the country, remained in New York until his death.† One of the first acts of Nicolls was to change the names of the various towns, not only in New York but also in the surrounding region. New Netherland and New Amsterdam became New York (province and city respectively), New Amstel became New Castle, Fort Orange was changed to Albany, Long Island was called Yorkshire, and the territory between the Hudson and the Delaware was entitled Albania.‡

Mr. Brodhead seems to think that

the Dutch have received scant justice at the hands of historians, and in this connection says:

"The reduction of New Netherland was now accomplished. All that could be done further was to change its name; and, to glorify one of the most bigotted princes in English history, the royal province was ordered to be called New York * * * The flag of England was at length triumphantly displayed, where, for half a century, that of Holland had rightfully waved; and, from Virginia to Canada the King of Great Britain was acknowledged as sovereign. * * * This treacherous and violent seizure of the territory and possessions of an unsuspecting ally was no less a breach of private justice than of public faith. It may, indeed, be affirmed, that among all the acts of selfish perfidy which royal ingratitude conceived and executed, there have been few more characteristic and none more base. * * * The emigrants who first explored the coasts and reclaimed the soil of New Netherland, and bore the flag of Holland to the wigwams of the Iroquois, were generally bluff, plain-spoken, earnest, yet unpretentious men, who spontaneously left their native land to better their condition, and bind another province to the United Netherlands. They brought over with them the liberal ideas, and honest maxims, and homely virtues of their country. * * * They came with no loud-sounding pretensions to grandeur in purpose, eminence in holiness, or superiority in character. They were more accustomed to do than to boast; nor have their descendants been ambitious to invite and appropriate excessive praise for the services of their ancestors rendered in extending the limits of Christendom, and in stamping upon America its distinguishing features of freedom in religion, and liberality in political faith. * * * Much of what has been written of American history has been written by those, who, from habit or prejudice, have been inclined to magnify the influence, and extol the merit of the Anglo-Saxon race, at the expense of every other element which has assisted to form the national greatness. In no particular has this been more remarkable than in the unjust view which has so often been taken of the founders of New York. Holland has long been a theme for the ridicule of British writers; and even in this country, the character and manners of the Dutch have been made the subject of an unworthy depreciation, caused, perhaps, in some instances, by too ready an imitation of those

* See Carr's report in *N. Y. Col. Docs.*, vol. iil., p. 83.

† Bayard Tuckegman, *Peter Stuyvesant* (1893); Washington Irving, *Diedrich Knickerbocker's History of New York*; Palfrey, *History of New England*, vol. ii., pp. 62-64; Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 283-294; Roberts, *New York*, vol. i., pp. 95-96.

‡ *N. Y. Col. Docs.*, vol. iil., p. 105.

provincial chroniclers who could see little good in their 'noxious neighbors' of New Netherland." *

Meanwhile the Dutch and Swedes on the Delaware were suffering under the rule of Sir Robert Carr. After its submission to the English, the colony was placed under government and named the "Delaware Territories." The English now began systematically to plunder the Swedish and Dutch possessions, even some of the people themselves being seized and sold as servants to Virginia planters.† Carr even went so far as to appropriate the choicest pieces of reclaimed land for himself, his son, and one of his favorites.‡ Governor Nicolls soon put a stop to his lawlessness, and for three or four years the colony experienced comparative peace. Lovelace was soon placed in charge, however, and instituted some very harsh measures, including a duty of 10 per cent. In 1672 the town of New Castle was incorporated, and as a free port, the largest village in that section and the capital of the government, it assumed an important position. Under English control the industries of the settlement underwent a change, the farms gradually dwindling in size and amount of produce, while the traffic in rum increased.

Shortly after gaining possession of

New Netherland, the Duke of York promulgated a code of laws which embodied many valuable privileges and customs derived from local experience and adapted to the wants of the colonists. Among these laws was that granting trial by jury. This code was presented to an assembly of elected representatives which met March 1, 1665, at Heemstede (later Hempstead, L. I.), at the summons of Governor Nicolls.* But this did not satisfy the colonists. They had become possessed of a democratic spirit which caused them to rebel against the tyranny of Stuyvesant, but when the English rule did not bring the promised liberality in the government, they became dissatisfied and greatly disappointed, and bitterly remonstrated against the system which was no less despotic than that of Stuyvesant.† The merchants complained against the fresh duties which had been levied upon their imports and exports to fill the coffers of the Duke of York. In 1668 Nicolls resigned the governorship and was succeeded by Sir Francis Lovelace, who governed for the next six years.

* *N. Y. Col. Docs.*, vol. xiv., p. 564 *et seq.*; *Collections of the New York Historical Society*, series 1, vol. i., pp. 305-428; *Bulletin of the New York State Library, General Entries*, pp. 79, 100, 132; Lamb, *City of New York*, vol. i., pp. 227-229; Brodhead, vol. ii., p. 67; Roberts, *New York*, vol. i., pp. 97-98.

† For the various measures instituted see Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 1-10; Hildreth, vol. ii., p. 44 *et seq.*; Doyle, *Middle Colonies*, p. 108 *et seq.* The Duke's laws will be found in *N. Y. Hist. Coll.*, 1st series, vol. i.

* Brodhead, *History of the State of New York*, 1st period, pp. 745-750.

† *N. Y. Col. Docs.*, vol. iii., p. 342.

‡ *N. Y. Col. Docs.*, vol. iii., p. 115.

with more zeal for his master's coffers than for the good of the colony.* He imposed a duty of 10 per cent. upon all imports and exports, at which eight of the Long Island towns protested, but their protest was burned.† Therefore, in 1673, when war was declared between England and Holland, the inhabitants of the city and the surrounding territory were in a frame of mind eagerly to desire a change of government. During the course of that year a Dutch fleet suddenly appeared before the city and Colonel John Manning, who held possession of the fort during the absence of Governor Lovelace, surrendered on August 9 without such a stubborn resistance as he might have been expected to make.‡ For this act he was subsequently found guilty by a court martial of cowardice and treachery.||

* It is worthy of note here that the first mail on the American continent started from New York for Boston on New Year's Day, 1673, the postman going by way of Harlem, Greenwich, Stamford, New Haven, Hartford, Springfield and so on until he descended the valley of the Charles into Boston. At this time also was established the first merchant's exchange—a weekly meeting held at about the point where Exchange Place now crosses Broad Street. Fiske, vol. ii., pp. 18–22.

† Hildreth, vol. ii., p. 54; Roberts, *New York*, vol. i., pp. 101–103; Doyle, *Middle Colonies*, p. 131. Doyle, however, names only seven towns.

‡ See Doyle, *Middle Colonies*, pp. 136–138 and the various documents in *N. Y. Col. Docs.*, vol. iii., pp. 200, 213, 364, 527; Lamb, *City of New York*, vol. i., pp. 233–258; Roberts, *New York*, vol. i., pp. 104–106.

§ For the details of the trial see O'Callaghan, *Documentary History of New York*, vol. iii., pp. 52–65.

Lovelace was arrested for theft, but the charge does not seem to have been pressed and he left the colony in most straitened circumstances.* For a short time thereafter New York remained in the possession of the Dutch and was under a Dutch governor, Anthony Colve.† In September all but two ships of the fleet sailed away, it being deemed best to leave a small force to guard against invasion.

Soon after coming into office, Colve made two changes in the governments, which contrasted unfavorably with the government under the English. The municipality of New York was no longer a corporation, but was kept alive by self-election, the outgoing magistrates framing a list of their successors, one-half of whom were nominated by the governor. Colve also ordered that the Reformed Christian religion should be maintained in each township to the exclusion of other sects, though he did allow the Lutherans at Albany to keep their church and their worship.‡

In 1673 Colve sent commissioners to the Long Island towns to enforce the oath of obedience, and the majority of the towns acceded to his demands, but a few resisted, the most stubborn being Southampton which, undoubtedly at the instigation of Connecticut, absolutely refused al-

* Brodhead, vol. ii., p. 213; Roberts, vol. i., p. 107.

† For the action of the Dutch commanders, see the translation of the Minutes of the Council in *N. Y. Col. Docs.*, vol. ii., pp. 569–730.

‡ Doyle, *Middle Colonies*, p. 140.

legiance to a foreign power. With good judgment, Colve sent a second commission to bring about a peaceful settlement of the dispute, but finding the people in arms and the current of feeling against them, they returned to New York without accomplishing anything. In November, 1673, Connecticut sent a volunteer force under Fitz-John Winthrop to the aid of the Long Islanders and, thus reinforced, the latter were better able in February, 1674, to refuse the surrender of the towns demanded by a fleet sent against them by Colve.*

While these events were in progress in New York, the diplomats of England and Holland were negotiating for peace, and in August, 1673, reached an agreement, one of the conditions of which was the restoration of all territorial conquests made during the war. In February, 1674, the two nations finally accepted these terms, then signing the treaty of Westminster, and New York consequently again passed into the hands of the English.†

A new grant was now obtained by the Duke of York, both increasing his territorial rights and giving him authority "to govern the inhabitants by such ordinances as he and his assigns should establish." In 1674 Major Edmund Andros was sent out

to assume the office of governor, to assert the rights of the proprietary, and to consolidate the various scattered settlements under a uniform system of government.* One of the first proceedings of Andros in order to accomplish this was to send an expedition to Fort Saybrook to enforce the claim of the Duke of York to all that territory lying between the Hudson and the Connecticut rivers which had been settled by the citizens of Connecticut. The Connecticut men sturdily resisted the expedition and then refused to allow the commission of Andros to be read. Though the whole proceeding was conducted without violence, the display of ability to resist was such that Andros was compelled to return to New York without having accomplished anything.† At New York Andros found the people little disposed to submit to the levying of taxes by irresponsible authority, and fully determined to obtain the same rights and advantages as were possessed by the other English colonies under their charters.‡

* For the letters of Andros to Colve and the treaty of surrender submitted by the latter, see O'Callaghan, *Documentary History of New York*, vol. iii., pp. 45-51.

† Palfrey, *History of New England*, vol. ii., pp. 117-121; *Connecticut Colonial Records*, vol. ii., pp. 262, 334, 339-343, 579-584; Doyle, *Puritan Colonies*, vol. ii., pp. 183-186.

‡ Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 35-42. Fiske, pp. 62-91, gives an excellent description of New York as it was in 1680. See also Lamb, *City of New York*, vol. i., p. 277 et seq.; W. L. Stone, *History of New York City*.

* Doyle, *Middle Colonies*, pp. 142-143. See also Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 23-25; Trumbull, *History of Connecticut*, vol. i., pp. 270-272 (1898 reprint).

† Lamb, *City of New York*, vol. i., pp. 264-266.

Andros soon perceived that it would be necessary to grant a certain amount of self-government to the discontented colonists, and not only in his letters, but also on his first visit to England, he endeavored to persuade the Duke of York to grant this concession.* The symptoms of determined opposition to the arbitrary levy of taxes under the sole authority of the Duke of York powerfully seconded his request, for this measure had been declared illegal by the verdict of a jury in New York, and English lawyers had also expressed the same opinion.† Penn, who had considerable influence with the Duke of York, also requested the latter to liberalize the government, and therefore, being overwhelmed with fresh petitions from the council, court of assize, and corporation, the Duke of York finally yielded and sent out Thomas Dongan as governor, with power to accede to the wishes of the colonists, and to summon a convention of the representatives of the freeholders.‡

Accordingly, the first popular assembly in the State of New York was held in Fort James, the places represented being Albany, Schenectady, Rensselaerwyck, Esopus, Harlem, New York, Staten Island, Long Island (under the name of Yorkshire

in three districts called "ridings"), Martha's Vineyard, Nantucket, and Pemaquid, there being in all 18 representatives. Among the acts passed by this assembly were a declaration of rights, another confirming trial by jury, and another legalizing the levying of taxes only with the consent of the Assembly. The right to vote for representatives was given to the freeholders, and religious liberty was established.* The Assembly also divided New York and its appendages into twelve counties, New York, Richmond, Kings, Queens, Suffolk, Orange, Ulster, Albany, Westchester, Duke's and Cornwall.† The fifteen acts which this assembly passed constituted the beginnings of the statute law of New York.‡ One of their acts was entitled "The Charter of Liberties and Privileges granted by his Royal Highness to the Inhabitants of New York and its Dependencies." || In 1684 another session of the assembly was held which resulted very satisfactorily to the colonists.§

But the accession of the Duke of York to the throne of England under the title of James II., interrupted the

* Roberts, *New York*, vol. i., pp. 186-191; Bancroft, vol. i., p. 582. See also Doyle, *Middle Colonies*, pp. 163-165.

† Brodhead, vol. ii., pp. 385-386; Lamb, *City of New York*, vol. i., pp. 302-304. On the official system and the effects of the transition from Dutch to English government see Osgood, *American Colonies*, vol. ii., p. 119 *et seq.*

‡ Osgood, vol. ii., p. 166.

|| This is given by Brodhead in an appendix to vol. i., p. 659.

§ This session, however, continued for only eight days. Brodhead, vol. ii., p. 427.

* Doyle, *Middle Colonies*, p. 150 *et seq.*

† See Doyle, pp. 156-159; Lamb, *City of New York*, vol. i., pp. 295-296.

‡ *N. Y. Col. Docs.*, vol. iii., pp. 317, 331, 369; Osgood, *American Colonies*, vol. ii., pp. 162-165; Lamb, *City of New York*, vol. i., pp. 298-299.

flattering prospect which was thus opened to them for redressing their own grievances and of managing their own affairs. A new commission was given to Dongan in 1685 authorizing him with his council to enact laws for the colony, to continue such taxes as had already been imposed, and to levy such additional taxes as he might deem necessary.* He was especially charged to prohibit all printing, as the press was regarded as a dangerous element among the people who were already dissatisfied and discontented. He was also allowed to give revised charters to New York and Albany,† and he bestowed upon Robert Livingston a sort of feudal principality on the Hudson River, which became known as Livingston Manor.‡ In 1688 New York was annexed to New England and placed under the rule of Andros, at that time governor of New England. Andros did not visit New York, but sent a deputy, Francis Nicholson, who continued in office until 1689, when he was transferred to the governorship of Virginia.||

While these events were transpir-

ing in New York, New Jersey was established. We have already spoken of the settlements at Swansdale and Pavonia. Gradually other settlements were formed until 1664, when Colonel Nicolls seized New Netherland for the Duke of York, there were Hooboocken, Weehawken, Ahasymes, Bergen, and Gemoenepaen. The Duke of York had ceded to Lord Berkeley and Sir George Carteret all of the territory lying between the Hudson and the Delaware.* Carteret had been governor of the Island of Jersey, and from this the new province was named Jersey. At this time it contained only a few settlements and inhabitants. The proprietaries, therefore, offered the most favorable terms to settlers, among the inducements being freedom of worship and a colonial assembly having the sole power of taxation and a share in the legislation of the province.† Because of the liberality of these statutes, the beauty of the climate, and the supposed fertility and richness of the soil, Jersey was considered a paradise and attracted a large number of settlers. Philip Carteret was appointed governor, much to the disappointment and disgust of Nicolls,

* Doyle, *Middle Colonies*, pp. 169-170. See also *N. Y. Col. Docs.*, pp. 377-382. Dongan at this time began his dispute with Canada, for details of which the reader is referred to a subsequent chapter.

† Charging these cities £300 apiece for the charters—Roberts, *New York*, vol. i., pp. 194-195. See also Lamb, *City of New York*, vol. i., pp. 317-318.

‡ Lamb, pp. 318-319.

|| Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 168-177.

* For the document see *New Jersey Archives*, vol. i., p. 12; Thorpe, *Federal and State Constitutions*, vol. v., pp. 2533-2535; Leaming and Spicer, *Grants and Concessions of New Jersey*, pp. 8-11. See also Appendix I. at the end of the present chapter.

† See Leaming and Spicer, *Grants, Concessions and Original Constitutions of New Jersey*, pp. 12-31; Thorpe, *Federal and State Constitutions*, vol. v., pp. 2538-2544.

who protested that this appointment encroached upon his jurisdiction, though his protest was in vain.*

Elizabeth Town was now established; some of the settlers undoubtedly coming from Long Island and probably New England,† and inside of two years eight new towns were founded. The Elizabeth Town Association sold much of the territory granted them. On property thus sold, the two hamlets Woodbridge and Piscataqua (now New Brunswick) were formed by people from New Hampshire and Massachusetts.‡ In 1666 plots on the banks of the Passaic River were planted by Connecticut Puritans. First came Milford, then Guilford, and later Branford, all of which soon united to form the plantation of Newark.|| A party of Quakers also settled at Shrewsbury and Middletown under the Monmouth patent from Nicolls, rights also being given them to govern a large tract of territory between Sandy Hook and the Raritan River, which they had purchased from the Navesink Indians.§

* *N. J. Archives*, p. 20; Bancroft, vol. i., p. 52.

† Two of the original grantees are described as coming from Jamaica. *N. J. Archives*, vol. i., p. 18.

‡ Whitehead, *Contributions to East Jersey History*, pp. 354-401.

|| See Doyle, *English Colonies in America (The Puritan Colonies)*, vol. ii., p. 125.

§ The Indian grant and Nicoll's confirmation are in *N. J. Archives*, vol. i., pp. 14-19. Carteret's confirmation of the patent in 1672 is in vol. i., p. 88. See also Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 10-16; Leaming and Spicer, *Grants and Concessions*, p. 662.

For two years after Carteret's arrival, the various townships existed separately and enjoyed only such political life as lay in those municipal institutions which they had brought with them from England. Probably the first corporate organization was that of Newark, where the colonists combined to carry out "spiritual concerns, as also civil and town affairs," it being decided at that time that only church members should enjoy civic rights.* Soon, however, the townships seem to have taken concerted action, and in 1667 we find that Middletown and Shrewsbury held a joint meeting at which certain laws were passed.† It was not long before an agitation was begun for the formation of a general government for all the townships, and Carteret also felt the necessity of calling a general assembly of freeholders to meet at Elizabeth Town.‡

In May, 1668, this assembly convened, the governor and his council of six constituting the upper chamber, and the eight delegates or burgesses, the lower chamber.|| Swearing, drunkenness and fornication were made penal offences; tippling or walking abroad after nine at night were pun-

* Whitehead, *East Jersey under the Proprietary Governments*, p. 40.

† *Ibid*, p. 61.

‡ His proclamation is in *N. J. Archives*, vol. i., p. 56.

|| The proceedings are in Leaming and Spicer, *Concessions and Grants*, p. 78. See also Osgood, *American Colonies*, vol. ii., p. 177; Doyle, *Middle Colonies*, p. 292 et seq.; Bancroft, vol. i., p. 522.

ishable; the death penalty was to be meted out to a child over sixteen who should curse or strike a parent; imprudent marriages were forbidden; all sales of houses were to be registered; all deputies absenting themselves from meetings were to be fined four shillings for every day of absence; every male over sixteen was to purchase a gun and ammunition; a body of militia was organized; and taxes were levied — £5 for each town — which, however, Middletown and Shrewsbury refused to pay, though there is no record of the basis of this refusal.*

Under the concessions, no quit-rents were to be levied for five years, and until 1670 the affairs of the community drifted along with comparative smoothness, but in that year the governor attempted to collect the first rent which was due the proprietor — a penny per acre — and the call was met with a furious burst of anger from almost all the settlers, finally breaking out into open insurrection under James Carteret, a younger son of Sir George.† The concessions also provided that an assembly should be held at the beginning of each year, but Philip Carteret failed to call one and the settlers at Newark, Elizabeth Town, Bergen, Woodbridge, and Piscataqua elected representatives to a separate assembly. The concessions further provided

that the deputies might elect a president, if the governor had absented himself from a meeting of the assembly, and the newly elected insurgent assembly upon convening took it upon themselves to interpret the concessions as giving them power to elect not a chairman, but a governor. They accordingly, at the present time, deposed Philip Carteret and elected James Carteret in his place.*

After being deposed, Philip Carteret went to England to lay his case before the proprietors, who unhesitatingly supported him and sent him back with additional powers and new instructions.‡ Thus the rule of James Carteret was of short duration. Special privileges were also given to Middletown and Shrewsbury, because they did not participate in the insurrection.‡

In 1673 the colony again came under Dutch control and its government was much changed. Each town was to name six men for the office of Schepen, of whom the Dutch governor and his council were to choose three. All the towns collectively were to name two men, one of whom was to be chosen Schout, and a secretary was to be chosen in the same manner.|| In September an order was issued

* Osgood, *American Colonies*, vol. ii., pp. 179-180; Doyle, *Middle Colonies*, pp. 294-295; O'Callaghan, *Documentary History of New York*, vol. iii., p. 525; Brodhead, vol. ii., p. 189.

† See *N. J. Archives*, vol. i., pp. 99-103, 167-175.

‡ Doyle, *Middle Colonies*, pp. 295-296; *N. J. Archives*, vol. i., p. 88.

|| Doyle, p. 297.

* Leaming and Spicer, p. 89.

† See Philip Carteret's proclamation. *N. J. Archives*, vol. i., p. 89.

defining the altered constitution of New Jersey.* The Reformed religion was to be maintained; the Schepens of each township had jurisdiction over civil and criminal cases, except on appeal, in which event they were to be decided by the Schout and Schepens of the whole colony; the supreme council were to nominate new officers; but no provision was made for a general legislative assembly.†

The treaty of Westminster, however, turned the province again into English possession, and early in 1674 Philip Carteret reappeared in the colony with his new instructions, which practically reaffirmed the ground taken by the proprietors in their dispute with the colonists three years previously. All patents granted by Nicolls were declared void, except those of 500 acres which were not located so as to infringe upon the rights of other inhabitants.‡ The adherents of James Carteret were also treated with wise moderation, they being required only formally to ask pardon from the governor and to indemnify those who had suffered by the insurrection. The Assembly then passed an act annulling all contracts made for revolutionary purposes and prohibiting the use of such language as might revive differences.||

Shortly after the province had been taken by the English, Berkeley, one of the proprietors, by a deed dated February 10, 1674, disposed of his share of New Jersey to John Fenwick, to be held in trust for Edward Byllinge, of whom William Penn later became one of the assignees.* Fenwick, however, retained a one-tenth interest, but further complicated matters by mortgaging this share, which involved a further subdivision.† In 1675 Fenwick sailed from England with a band of colonists and selected as a site for his settlement a strip of land on the west side of the peninsula opposite the Swedish colony at Newcastle, Delaware. Before leaving England, Fenwick lost the title-deeds, and as he had an imperfect map of the property granted him, his grants of land to the colonists were later subjected to a large series of disputes. Upon landing, Fenwick laid out two towns—Cohansick and Salem—but soon afterward became involved in a dispute with Andros of New York regarding control of the territory. Fenwick was arrested, was unable to prove his rights because of the loss of his title-deeds, was fined £40, and for some time kept in custody, though later released upon his pledge to exercise no authority in New Jersey.‡

* *N. J. Archives*, vol. i., pp. 135-137.

† See the resumé in Doyle, *Middle Colonies*, pp. 297-298.

‡ Doyle, pp. 298-299.

|| Leaming and Spicer, *Grants and Concessions*, p. 110.

* Leaming and Spicer, *Grants and Concessions*, p. 64; *N. J. Archives*, p. 209; Doyle, *Middle Colonies*, pp. 146 *et seq.*, 299.

† *N. Y. Archives*, vol. i., p. 233.

‡ See *N. J. Archives*, vol. i., pp. 189-190, 235-239; *N. Y. Col. Docs.*, vol. xii.

A dispute now arose between the proprietors regarding the territorial rights, but it was settled by the arbitration of Penn, whose name now first appears in connection with American history, and in 1675 George Carteret allowed the province to be divided into two parts, called East and West Jersey, the former being retained by Carteret and the latter being assigned to Penn and his partners.* Various provisions were made for granting laws, and a constitution for the colony was drawn up.† Soon afterward colonists were sent over and Burlington was founded, at which time there were three separate governments in existence in the State—the eastern colony under Carteret, with its capital at Elizabeth Town, Fenwick's colony at Salem, and Penn's settlement at Burlington.

Andros now asserted the rights of the Duke of York to rule the territory, on the ground that the Duke of York's grant to Carteret carried with it no political rights, and for a time Fenwick's colony at Salem was annexed to the Delaware colony at Newcastle. Andros now put forth a new claim, which, if valid, would have struck a heavy blow at the Jersey colonies. He claimed that while the Duke of York had abandoned all political rights in his assignment to Carteret, he did not give up his fiscal

rights, and Andros thereupon issued an order that all imports into Penn's colony (as they came through the Delaware River, over which Andros claimed jurisdiction) should pay the same duties as though these imports had been landed at New York.* Even the Quakers were aroused to remonstrance by these high-handed measures. Penn drew up a document which, though mild in tone, was firm in asserting constitutional rights.† The dispute was then referred to the decision of Sir William Jones, at that time one of the most eminent lawyers in England. As his opinion‡ was unfavorable to the Duke of York, the latter resigned all claim to East and West Jersey, which, being left free to develop its resources, gradually increased and gave promise of its future rank in the colonial family.||

The province of East Jersey had now become quite prosperous, its fisheries grew in value, its farm products, stock-raising, manufactures, tobacco-growing and commerce were continually on the increase, and large quantities of tallow, lard, tobacco, hides, beef and pork were shipped, not only to England and up and down the coast but also to Barbadoes and

* *N. J. Archives*, vol. i., p. 205; Dixon, *William Penn, Founder of Pennsylvania*, pp. 137-139.

† See the resumé of its provisions in Doyle, *Middle Colonies*, pp. 302-304.

* Doyle, *Middle Colonies*, pp. 305-307.

† For a resumé of the arguments see Doyle, pp. 307-309.

‡ See *N. Y. Col. Docs.*, vol. iii., p. 284.

|| Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 139-147; Dixon, *William Penn*, p. 174. See also the resumé of the controversy over the territory in Osgood, *American Colonies*, vol. ii., pp. 191-199; Bancroft, vol. i., p. 546 *et seq.*

St. Christopher. This condition of affairs induced the proprietor to open the ports to free trade as a reward, but this action was quite obnoxious to Andros who, after the death of George Carteret on January 14, 1679, began to adopt measures calculated to put a stop to trade through Jersey ports. Elizabeth Town had now become a dangerous rival to New York as a port of entry, and Andros thought the easiest way in which to control its commerce was to gain control over its political life. In the spring of 1680, therefore, he forbade Philip Carteret to exercise jurisdiction over the king's subjects in the province, on the ground that it would conflict with the Duke of York's authority.* He also claimed the right to establish a fort on the Jersey Coast and to erect beacons, pleading that these works would benefit the king's subjects.† Carteret answered Andros temperately‡ offering to refer the dispute to the king, but declaring that in the meantime he would forcibly resist any encroachments on his authority by Andros. Andros continued to treat Jersey as a dependency of New York, and Carteret took measures to protect himself. He appointed a deputy to succeed him,|| and organized a body guard of 150 armed men.§ In April,

however, Andros went to Jersey and read aloud the Duke of York's title to the whole province, then returning to New York. In May Carteret was seized by a party from New York and carried a prisoner to that place, where after a confinement of five weeks, he was placed on trial for having exercised illegal authority.* The jury acquitted him in spite of the threats from Andros, but they commanded him not to again assume authority in Jersey,† though how they reconciled the verdict with their last command is hard to see, for if his authority was illegal he should have been convicted.

Meanwhile Penn and his followers had been exerting their utmost endeavors to have the tangled affairs of the grants straightened out, and succeeded in obtaining a grant to Sir George Carteret (grandson of the original proprietor) which bestowed on him full political and territorial rights.‡ Philip Carteret was now re-established in authority, and in March, 1681, proclaimed the cessation of all authority on the part of New York.|| The heirs of the original proprietor, however, considered the

* Lamb, *City of New York*, vol. i., p. 291.

† *N. J. Archives*, vol. i., p. 292.

‡ *Ibid*, p. 294.

|| *Ibid*, p. 295.

§ *Ibid*, p. 314.

* Hildreth, vol. ii., pp. 59-60; Leaming and Spicer, *Grants and Concessions*, pp. 112-117, 674-684; Whitehead, *East Jersey*, pp. 71-74; *Newark Town Records*, p. 78; Dankers and Sluyter, *Journal*, pp. 277, 345-351; Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 91-98; Smith, *History of Nova Cæsaria, or New Jersey* (Burlington, 1765); Osgood, *American Colonies*, vol. ii., pp. 183-189.

† Lamb, *City of New York*, vol. i., p. 292.

‡ *N. J. Archives*, vol. i., p. 337.

|| *Ibid*, p. 346.

province a burdensome property and in 1682 disposed of it* to twelve Quakers of whom Penn was the chief. In 1683, the new proprietors having increased their company by the addition of twelve members, the Duke of York granted them all his rights to the province, in consideration of a cash payment and a small quit-rent.† Robert Barclay was appointed governor, but sent Thomas Rudyard, a London attorney, to Jersey as his deputy,‡ the latter, however, being soon succeeded by Gawain Lawrie, one of the original purchasers.¶

Rudyard had called an assembly immediately upon his arrival in Jersey which enacted several important measures for the government of the colony,§ but Lawrie brought over with him an entirely new constitution which completely changed the complexion of the government,¶ and to which the colonies did not agree very kindly. In fact they even proposed

to set up a rival government, on the ground that the new constitution applied only to settlers who came after the late purchase of the province. Lawrie therefore did not make any serious attempt at this time to enforce the new constitution, but allowed matters to drift.*

The proprietors now made strenuous attempts to erect a great seaport town, which finally resulted in the founding of Perth Amboy. Colonizers were encouraged and during the following two years a large number of Scotch Presbyterians, to escape persecution at home, came into East Jersey.†

New York once again began to fear for its commercial supremacy, and in 1684 Governor Dongan of New York sent home a memorial urging that New Jersey be annexed to New York, to prevent the ruin of the latter,‡ to which the Jersey proprietors made an angry reply.¶ A dispute also arose at the same time regarding rights of jurisdiction over Staten Island, which was, however, settled by the firm attitude of Dongan in favor of New York.§

In 1681 Penn had received his grant to Pennsylvania, and Fenwick was left only the choice of annexing his little colony at Salem to New

* According to Whitehead by auction — *East Jersey*, p. 103. The deed is in *N. J. Archives*, vol. i., p. 386.

† Doyle, *Middle Colonies*, pp. 318–320. See also *N. J. Archives*, vol. i., p. 383; Thorpe, *Federal and State Constitutions*, vol. v., pp. 2567–2574; Leaming and Spicer, *Grants and Concessions of New Jersey*, pp. 141–152.

‡ His commission is in *N. J. Archives*, vol. i., p. 378.

¶ Doyle, *Middle Colonies*, p. 321. Lawrie's instructions are in *N. J. Archives*, vol. i., pp. 426–434.

§ For the proceedings see Leaming and Spicer, *Grants and Concessions*, pp. 229–253. A resumé is given in Doyle, *Middle Colonies*, p. 320.

¶ See *N. J. Archives*, vol. i., pp. 395–410; Doyle, p. 321 *et seq.*; Thorpe, *Federal and State Constitutions*, vol. v., pp. 2574–2582; Leaming and Spicer, *Grants and Concessions*, pp. 153–166.

See also Appendix II. at the end of the present chapter.

* Doyle, pp. 323–324.

† *Ibid.*, p. 326 *et seq.*

‡ *N. Y. Col. Docs.*, vol. iii., pp. 358–359.

¶ *Ibid.*, p. 348.

§ For details see Doyle, *Middle Colonies*, pp. 329–331.

Jersey or to Pennsylvania. He chose the latter, and in 1682 transferred his territorial rights to Penn and his followers, who now had jurisdiction over the whole of New Jersey.* But James II. desired to consolidate the various colonies under one governor, and the proprietors made a full sur-

render of authority.* In March, 1688, Andros was commissioned governor† and asserted his authority at Elizabeth Town and Burlington in the following August, being favorably received‡ and continuing to exercise jurisdiction until the downfall of James II.

APPENDIX TO CHAPTER IX.

I. THE DUKE OF YORK'S RELEASE TO JOHN LORD BERKELEY, AND SIR GEORGE CARTERET, 24TH OF JUNE, 1664.

THIS INDENTURE made the four and twentieth day of June, in the sixteenth year of the reign of our sovereign Lord, Charles the Second, by the grace of God of England, Scotland, France and Ireland, King Defender of the Faith, &c., annoq. Domini, 1664. Between His Royal Highness, James Duke of York, and Albany, Earl of Ulster, Lord High Admiral of England, and Ireland, Constable of Dover Castle, Lord Warden of the Cinque ports, and Governor of Portsmouth, of the one part: John Lord Berkeley, Baron of Stratton, and one of His Majesty's most Honourable Privy Council, and Sir, George Carteret of Saltrum, in the County of Devon, Knight and one of His Majesty's most Honourable Privy Council of the other part: Whereas his said Majesty King Charles the Second, by his Letters Patents under the Great Seal of England, bearing date on or about the twelfth day of March, in the sixteenth year of his said Majesty's reign, did for the consideration therein mentioned, give and grant unto his said Royal Highness James, Duke of York, his heirs and assigns, all that part of the main land of New England, beginning at a certain place called or known by the name of St. Croix next adjoining to New Scotland in America; and from thence extending along the sea coast unto a certain place called Pemaquie or Pemaquid, and so by the river thereof to the furthest head of the same as it tendeth northward; and extending from thence to the river of Kenebeque, and so upwards by the shortest course to the river Canady northwards; and also all that island or islands commonly called by the several name or names of Matowacks or Long Island, situate and

being towards the west of Cape Codd and the Narrow Higansetts, abutting upon the main land between the two rivers there, called or known by the several names of Connecticut, and Hudson's river; together also with the said river called Hudson's river, and all the land from the west side of the Connecticut river to the east side of the Delaware Bay: and also several other islands and lands in said Letters Patents mentioned, together with the rivers, harbours, mines, minerals, quarries, woods, marshes, waters, lakes, fishing, hawkings, huntings, and fowling, and all other royalties, profits, commodities and hereditaments to the said several islands lands and premises belonging and appertaining, to have and to hold the said lands, islands, hereditaments and premises, with their and every of their appurtenances, unto his said Royal Highness James Duke of York, his heirs and assigns for ever; to be holden of his said Majesty, his heirs and successors, as of the manner of East Greenwich, in the County of Kent, in free and common soccage, yielding and rendering unto his said Majesty his heirs and successors of and for the same, yearly and every year, forty beaver skins, when they shall be demanded, or within ninety days after; with divers other grants, clauses, provisos, and agreements, in the said recited Letters Patents contain'd, as by the said Letters Patents, relation being thereunto had, it doth and may more plainly and at large appear. Now this Indenture witnesseth, that his said Royal Highness James Duke of York, for and

* *N. J. Archives*, vol. ii., p. 26.

† The commission is in *N. Y. Col. Docs.*, vol. iiii., pp. 537-542.

‡ See his letter in *N. Y. Col. Docs.*, vol. iiii., p. 554.

* See the deed in *N. J. Archives*, vol. i., p. 370.

in consideration of a competent sum of good and lawful money of England to his said Royal Highness James Duke of York in hand paid by the said John Lord Berkley and Sir George Carteret, before the sealing and delivery of these presents, the receipt whereof the said James Duke of York, doth hereby acknowledge, and thereof doth acquit and discharge the said John Lord Berkley and Sir George Carteret forever by these presents hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the said John Lord Berkley and Sir George Carteret, their heirs and assigns for ever, all that tract of land adjacent to New England, and lying and being to the westward of Long Island, and Manhitas Island and bounded on the east part by the main sea, and part by Hudson's river, and hath upon the west Delaware bay or river, and extendeth southward to the main ocean as far as Cape May at the mouth of the Delaware bay; and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is forty-one degrees and forty minutes of latitude, and crosseth over thence in a strait line to Hudson's river in forty-one degrees of latitude; which said tract of land is hereafter to be called by the name or names of New Caeserea or New Jersey: and also all rivers, mines, minerals, woods, fishings, hawking, hunting, and fowling, and all other royalties, profits, commodities, and hereditaments whatever, to the said lands and premises belonging or in any wise appertaining; with their and every of their appurtenances, in as full and ample manner as the same is granted to the said Duke of York by the before-recited Letters Patents; and all the estate, title, interest, benefit advantage, claim and demand of the said James Duke of York, of in or to the said and premises, or any part or parcel thereof, and the reversion and reversions, remainder and remainders thereof: All of which said tract of land and premises were by indenture, bearing date the day before the date hereof, bargain'd and sold by the said James Duke of York, unto the said John Lord Berkeley and Sir George Carteret, for the

term of one whole year to commence from the first day of May last past, before the date thereof, under the rent of a peper corn, payable as therein is mentioned as by the said deed more plainly may appear: by force and virtue of which said indenture of bargain and sale, and of the statute for transferring of uses into possession, the said John Lord Berkley and Sir George Carteret, are in actual possession of the said tract of land and premises, and enabled to take a grant and release thereof, the said lease being made to that end and purpose, to have and to hold all and singular the said tract of land and premises; with their, and every of their appurtenances, and every part and parcel thereof, unto the said John Lord Berkeley and Sir George Carteret, their heirs and assigns for ever, to the only use and behoof of the said John Lord Berkeley and Sir George Carteret their heirs and assigns for ever; yielding and rendering therefore unto the said James Duke of York, his heirs and assigns, for the said tract of land and premises, yearly and every year the sum of twenty nobles of lawful money of England, if the same shall be lawfully demanded at or in the Inner Temple Hall, London, at the Feast of St. Michael the Arch Angel yearly. And the said John Lord Berkeley and Sir George Carteret for themselves and their heirs, covenant and grant to and with the said James Duke of York, his heirs and assigns by these presents, that they the said John Lord Berkeley and Sir George Carteret, their heirs and assigns, shall and will well and truly pay or cause to be paid unto the said James Duke of York, his heirs and assigns, the said yearly rent of twenty nobles at such time and place, and in such manner and form as before in these presents is expressed and delivered. In witness whereof the parties aforesaid to these presents have interchangeably set their hands and seals, the day and year first above written.

JAMES.

Sign'd, seal'd and deliver'd in the presence of
WILLIAM COVENYNT,
THOMAS HEYWOOD.

II. THE FUNDAMENTAL CONSTITUTIONS FOR THE PROVINCE OF EAST NEW JERSEY IN AMERICA, ANNO DOMINI 1683.

Since the right of government, as well as soil, is in the four and twenty Proprietors, and that the same is confirmed to them a new by a late patent from James Duke of York, pursuant to patent granted to him from the King; the Proprietors for the well ordering and governing of

the said Province, according to the powers conveyed to them, do grant and declare, that the government thereof shall be as followeth, viz.

I. That, altho' the four and twenty Proprietors have formerly made choice of Robert Barclay, Esq; for Governor, during his natural life, and

to serve by a deputy to be approved of by sixteen of the Proprietors, until he himself be upon the place, which is by these presents ratified and confirmed, to all intents and purposes: Yet after the decease of the said Robert Barclay, or by reason of his malversation, the Proprietors shall find cause to divest him of the government, the four and twenty Proprietors shall choose a Governor; in order to which it shall be in the power of each of them to name one, and sixteen of the four and twenty shall determine it: which Governor shall be obliged to serve and reside upon the place, and shall only continue for three years; and if any shall directly or indirectly propound or advise the continuance for any longer time, or of new to choose him again, or his son, within the three years, it shall be esteemed a betraying of the publick liberty of the Province; and the actors shall be esteemed as publick enemies; and the said Governor that shall be so continued, shall be reputed guilty of the same, not only by reason of his acceptance of that continuation, but also by reason of any kind of solicitation which he may directly or indirectly have endeavoured. If the Governor so do die before the three years be expired, the Proprietors shall choose one to supply his place, for the time the other should held it, and no longer. *Provided*, that this limitation of three years above mentioned, do not extend to the Deputy Governor of Robert Barclay, for seven years after that passing of those constitutions, who may be for a longer time than three years, if the proprietors see meet.

II. That for the government of the Province, there shall be a great Council, to consist of the four and twenty proprietors, or their proxies in their absence, and one hundred forty-four to be chosen by the freemen of the Province. But forasmuch as there are not at present so many towns built as there may be hereafter, nor the Province divided into such counties as it may be hereafter divided into, and that consequently no certain division can be made how many shall be chosen for each town and county; at present four and twenty shall be chosen for the eight towns that are at present in being, and eight and forty for the county, making together seventy-two, and with the four and twenty Proprietors, ninety-six persons, till such times as the great council shall see meet to call the above mentioned number of one hundred forty-four, and then shall be determined by the great council, how many shall come out of each town and county; but every year shall choose one-third, and the first chosen shall remain for three years, and they that go out shall not be capable to

come in again for two years after, and therefore they shall not be put in the ballot in elections for that year; and in order to this election, they shall in course meet in their several boroughs and counties the six and twentieth day of March, beginning in the year one thousand six hundred eighty-four, and choose their several representatives; whose first day of meeting shall be the twentieth of April afterwards; and they shall sit upon their own adjournments, if they see meet, till the twentieth of July following, and then to be dissolved till the next year, unless the Governor and common council think fit to continue them longer, or call them in the interval; but if any of those days fall on the first day of the week, it shall be deferred until the next day.

III. The persons qualified to be freemen, that are capable to choose and be chosen in the great Council, shall be every planter and inhabitant dwelling and residing within the Province, who hath acquired rights to and is in possession of fifty acres of ground, and hath cultivated ten acres of it; or in boroughs, who have a house and three acres; or have a house and land only hired, if he can prove he have fifty pounds in stock of his own: and all elections must be free and voluntary, but were any bribe or indirect means can be proved to have been used, both the giver and acquirer shall forfeit their privilege of electing and being elected forever; and for the full preventing of all indirect means, the election shall be after this manner, the names of all the persons qualified in each county, shall be put in equal pieces of parchment, and prepared by the sheriff and his clerk the day before, and at the day of election shall be put in a box, and fifty shall be taken out by a boy under ten years of age; these fifty shall be put into the box again, and the first five and twenty then taken out shall be those who shall be capable to be chosen for that time; the other five and twenty shall by plurality of votes, name (of the aforesaid twenty-five) twelve, if there be three to be chosen, and eight if there be two to stand for it; these nominators first solemnly declaring before the sheriff, that they shall not name any known to them to be guilty for the time, or to have been guilty for a year before, of adultery, whoredom, drunkenness, or any such immorality, or who is insolvent or a fool; and then out of the twelve or eight so nominated, three or two shall be taken by the ballot as above said.

IV. It shall be the privilege of every member of the great Council, to propose any bill in order to a law, which being admitted to be debated, shall be determined by the vote, wherein two

parts of three shall only conclude; but of this, twelve of the Proprietors, or their proxies, must be assenting; which shall also be requisite after the number of freemen are double: Nor shall any law be made or enacted to have force in the Province, which any ways touches upon the goods or liberties of any in it, but what thus passeth in the great Council; and whoever shall levy, collect or pay any money or goods without a law thus passed, shall be held a publick enemy to the Province, and a betrayer of the publick liberty thereof: also the quorum of this great Council shall be half of the Proprietors, or their proxies, and half of the freemen at least; and in determination, the proportionable assent of both Proprietors and freemen must agree, viz. two parts of whatever number of freemen, and one half of whatever number of Proprietors are present.

V. For the constant government of the Province there shall be with the Governor a common Council, consisting of the four and twenty Proprietors, of their proxies, and twelve of the freemen, which shall be chosen by the ballot out of the freemen of the great Council, and shall successively go off each year as they go; which common Council will thus consist of six and thirty, whereof they shall be three committees; twelve for the public policy, and to look to manners, education and arts; twelve for trade and management of the publick Treasury; and twelve for plantations and regulating of all things, as well as deciding all controversies relating to them: in each committee eight shall be of the Proprietors, or their proxies, and four of the freemen; each of these committees shall meet at least once a week, and all the thirty six once in two months, and oftener, in such places and at such times as they shall find most convenient. And if it happen the number of freemen in the great Council to be doubled, there shall be twelve more of them be added to the common Council; in this common Council and those several committees the one half shall be a quorum, as in the former article.

VI. All laws shall be published and run in the name of the Governor, Proprietors and representatives of the freemen of the Province, and shall be signed by two of the Proprietors, two of the freemen, the Secretary and the Governor for the time being, who shall preside in all meetings, and have two votes, but shall no ways pretend to any negative vote: but if he or they refuse to do his or their duty, or be accused of malversation, he shall be liable to the censure of the

Proprietors, and if turned out, there shall be another chosen to fulfil his time as is abovesaid.

VII. Forasmuch as by the Concessions and agreements of the former Proprietors, (to wit) the Lord Berkeley and Sir George Carteret, to and with all and every the adventurers and all such as shall settle and plant in the Province in Anno 1664, it is consented and agreed by the six and seven articles, that the great Assembly should have power, by act confirmed as there expressed, to erect, raise and build within the said Province, or any part thereof, such and so many forts, castles, cities and other places of defence, and the same, or any of them, to fortify and furnish with such provisions and proportions of ordnance, powder, shot, armour and all other weapons, ammunition and abilments of war, both offensive and defensive, as shall be thought necessary and convenient for the safety and welfare of the said Province; as also to constitute train bands and companies, with the number of the soldiers, for the safety, strength and defence of the aforesaid Province; to suppress all mutinies and rebellions; to make war offensive and defensive, against all and every one that shall infest the said Province, not only to keep the enemy out of their limits, but also, in case of necessity, the enemy by sea and land to pursue out of the limits and jurisdiction of the said Province. And that amongst the present Proprietors there are several that declare, that they have no freedom to defend themselves with arms, and others who judge it their duty to defend themselves, wives and children, with arms; it is therefore agreed and consented to, and they the said Proprietors do by these presents agree and consent, that they will not in this case force each other against their respective judgments and consciences; in order whereunto it is *Resolved*, that on the one side, no man that declares he cannot for conscience sake bear arms, whether Proprietor or planter, shall be at any time put upon so doing in his own person, nor yet upon sending any to serve in his stead. And on the other side, those who do judge it their duty to bear arms for the publick defence, shall have their liberty to do in a legal way. In pursuance whereof, there shall be a fourth committee erected, consisting of six proprietors, or their proxies, and three of the freemen, that are to set in the other three committees, which shall be such as to understand it their duty to use arms for the publick defence; which committee shall provide for the publick defence without and peace within, against all enemies whatsoever; and shall therefore be stiled the committee for the preservation of the publick peace: And that

all things may proceed in good order, the said committee shall propound to the great Council what they judge convenient and necessary for the keeping the peace within the said Province, and for publick defence without, by the said great Council to be approved and corrected, as they, according to exigence of affairs, shall judge fit; the execution of which resolutions of the great Council shall be committed to the care of the said committee. But because through the scruples of such of the Proprietors, or their proxies, as have no freedom to use arms, the resolutions of the great Council may be in this point obstructed, it is resolved and agreed, and it is by these presents resolved and agreed, that in things of this nature, the votes of these Proprietors shall only be of weight at such time or times as one of these two points are under deliberation, which shall not be concluded where twelve of the Proprietors and two thirds of the whole Council, as in other cases, are not consenting, (that is to say) first, whether, to speak after the manner of men, (and abstractly from a man's perswasion in matters of religion) it be convenient and suitable to the present condition or capacity of the inhabitants, to build any forts, castles or any other places of defence? If yea; where and in what places (to speak as men) they ought to be erected. Secondly, whether there be any present or future foreseen danger, that may, (to speak as men without respect to one's particular perswasion in matters of religion) require the putting the Province into a posture of defence, or to make use of those means which we at present have, or which, from time to time as occasion may require, according to the capacity of the inhabitants, we may have; which ability and conveniency of those means of defence, and (to speak as men without respect to any man's judgment in matters of religion) the necessity of the actual use thereof, being once resolved upon; all further deliberations about it, as the raising of men, giving of commissions both by sea and land, making Governors of forts, and providing money necessary for maintaining the same, shall belong only to those members of the great Council who judge themselves in duty bound to make use of arms for the defence of them and theirs. *Provided*, that they shall not conclude any thing but by the consent of at least five parts out of six of their number; and that none of the Proprietors and other inhabitants may be forced to contribute any money for the use of arms, to which for conscience sake they have not freedom, that which is necessary for the publick defence, shall be borne by such

as judge themselves in duty bound to use arms. *Provided*, that the other, that for conscience sake do oppose the bearing of arms, shall on the other hand bear so much in other charges, as may make up that portion in the general charge of the Province. And as the refusing to subscribe such acts concerning the use and exercise of arms abovesaid, in the Governor and Secretary, if scrupulous in conscience so to do, shall not be esteemed in them an omission or neglect of duty, so the wanting thereof shall not make such acts invalid, they being in lieu thereof, subscribed by the major part of the six Proprietors of the committees for the preservation of the publick peace.

VIII. The choosing the great and publick officers, as Secretary, Register, Treasurer, Surveyor General, Marshal, and after death of turning out of those now first to be nominated, shall be in the Governor and Common Council; as also of all sheriffs, judges and justices of the peace. But upon any malversation or accusation, they shall be liable to the examination and censure of the great Council, and if condemn'd by them, the Governor and Common Council must name others in their places.

IX. *Provided*, That all boroughs shall choose their own magistrates, and the hundreds in the county, their constables or under officers, in such manner as shall be agreed to by the great Council.

X. Forasmuch as by the Patent, the power of pardoning in capital offences, is vested in the four and twenty Proprietors; it is hereby declared, that the said power of pardoning shall never be made use of but by the consent of eighteen of the Proprietors, or their proxies: Nevertheless, it shall be in the power of the Governor, in conjunction with four Proprietors, who for the time are judges of the Court of Appeals, to reprieve any person after the day of execution appointed, for some time, not exceeding a month.

XI. The four and twenty Proprietors, in their absence, may vote in the great and common Council by their proxies; one Proprietor may be proxy for another, yet so as not but for one, so that none can have above two votes: The proxies of the Proprietors must be such as has shares in properties not under a twentieth part.

XII. That whoever has any place of publick trust in another Province, tho' a Proprietor, shall not sit in the great or common Council, but by their proxies, unless thereunto particularly called by the one or other Council.

XIII. Whatever Proprietor doth not retain at least one fourth part of his property, viz: one

ninety sixth part of the country, shall lose the right of government, and it shall pass to him who has the greatest share of that property, exceeding the above mentioned proportion: But if two or three has each one ninety sixth part, they shall have it successively year about, like as when a propriety is in two hands, he who is upon the place, if the other be absent, sick or under age, shall still have it; but if both there, then by turns as abovesaid; and if in a provided propriety all be absent, the proxies must be constituted by both; if but two or the greater number if there be more. And if any who sells a part of his propriety, and retains one ninety sixth part and the title of the government portion be absent, whoever has shares for him, not under one ninety sixth part, being present, shall set for him, whether having a proxy or not; and if there be more than one, it shall go by turns as above. But because after sometime by division among children, it may happen that some one twenty fourth part may be so divided, that not any one may have one fourth part of a propriety, or one ninety sixth part of the whole, in that case the Proprietors shall elect one having not under one ninety sixth part, to bear the character of the government for that propriety: But if the county shall fall to be so divided, that there shall not be found four and twenty persons who have one ninety sixth part each; then whoever has five thousand acres, shall be capable to be chosen to be one of the four and twenty, and that by the rest of the Proprietors, by the ballot, each having privilege to lift one; but this not to take place till forty years after the settlement of these constitutions: And if twenty years after the expiration of the forty years above mentioned, it shall fall out that four and twenty persons cannot be found who have each five thousand acres, it shall be then in the power of the great Council to make a less number of acres sufficient to carry the character of the government, provided they bring it not under three thousand acres (the Proprietors being always electors as abovesaid) no Proprietor under one and twenty years shall be admitted to vote, but during nonage there shall be a proxy appointed by the tutor, and failing that, by the other Proprietors.

XIV. In all civil and ordinary actions the Proprietors shall be judged after the same manner, and lyable to the same censure with any other; but in all cases that are capital, or may infer for forfeiture of their trust or Proprietorship, they shall be adjudged by a jury of twelve of the Proprietors, or their proxies, or such as has

share in a propriety not under one twentieth part; the bill being first found relievant against them by a grand jury of twelve Proprietors and twelve free men to be chosen by ballot, as in article nineteen.

XV. For preserving a right balance, no Proprietor shall at any time require or purchase more than his one four and twentieth part of the county; but if by any accident more fall into the hands of the Proprietors, he may be allowed to dispose of it to his children, tho' under age, yet not so as to acquire to himself more than one vote besides his own; but if such an acquirer have no children he shall be obliged to sell it within one year after he has acquired it, nor shall he evade this by putting in another's name in trust for him; but shall upon his assignment solemnly declare himself to be really and effectually divested of it for the proper use of him it is assign'd to: And if within three years he find not a merchant, he shall be obliged to dispose of it at the current rate to the rest of the Proprietors, to be holden in common by them, who shall appoint one to bear that character in the government, untill such a share of it fall in one hand, by a former article may render him capable, by the consent of two parts of the other Proprietors, to have the power devolved in him; and if by this or any other accident one or more votes be wanting in the interem, the Proprietors shall name others qualified as above to supply their places.

XVI. All persons living in the Province who confess and acknowledge the one Almighty and Eternal God, and holds themselves obliged in conscience to live peaceably and quietly in a civil society, shall in no way be molested or prejudged for their religious perswasions and exercise in matters of faith and worship; nor shall they be compelled to frequent and maintain any religious worship, place or ministry whatsoever: Yet it is also hereby provided, that no man shall be admitted a member of the great or common Council, or any place of publick trust, who shall not profaith in Christ Jesus, and solemnly declare that he doth no ways hold himself obliged in conscience to endeavour alteration in the government, or seeks the turning out of any in it or their ruin or prejudice, either in person or estate, because they are in his opinion hereticks, or differ in their judgment from him: Nor by this article is it intended, that any under the notion of this liberty shall allow themselves to avow atheism, irreligiousness or to practice cursing, swearing, drunkenness, prophaness, whoring, adultery, murdering or any kind of violence, or indulging themselves in stage plays, masks,

revells or such like abuses; for restraining such and preserving of the people in diligence and in good order, the great Council is to make more particular laws, which are punctually to be put in execution.

XVII. To the end that all officers chosen to serve within the Province, may with the more care and diligence answer the trust reposed in them; it is agreed, that no such person shall enjoy more than one public office at one time: But least at first before the country be well planted, there might be in this some inconvenience, it is declared, that this shall not necessarily take place till after the year 1685.

XVIII. All chart, rights, grants and conveyances of land (except leases for three years and under) and all bonds, wills, and letters of administration and specialties above fifty pounds, and not under six months, shall be registered in a publick register in each county, else be void in law; also there is to be a register in each county for births, marriages, burials and servants, where their names, times, wages and days of payment shall be registered; but the method and order of settling those registers is recommended to the great Council; as also the fees which are to be moderate and certain, that the taking of more in any office, directly or indirectly by himself or any other, shall forfeit his office.

XIX. That no person or persons within the said Province shall be taken and imprisoned, or be devised of his freehold, free custom or liberty, or be outlawed or exiled, or any other way destroyed; nor shall they be condemn'd or judgment pass'd upon them, but by lawful judgment of their peers: neither shall justice nor right be bought or sold, deferred or delayed, to any person whatsoever: in order to which by the laws of the land, all tryalls shall be by twelve men, and as near as it may be, peers and equals, and of the neighborhood, and men without just exception. In cases of life there shall be at first twenty-four returned by the sheriff for a grand inquest, of whom twelve at least shall be to find the complaint to be true; and then the twelve men or peers to be likewise returned, shall have the final judgment; but reasonable challenges shall be always admitted against the twelve men, or any of them: but the manner of returning juries shall be thus, the names of all the freemen above five and twenty years of age, within the district or boroughs out of which the jury is to be returned, shall be written on equal peices of parchment and put into a box, and then the number of the jury shall be drawn out by a child under ten years of age. And in all courts per-

sons of all perswasions may freely appear in their own way, and according to their own manner, and there personally plead their own causes themselves, or if unable, by their friends, no person being allowed to take money for pleading or advice in such cases: and the first process shall be the exhibition of the complaint in court fourteen days before the tryal, and the party complain'd against may be fitted for the same, he or she shall be summoned ten days before, and a copy of the complaint delivered at their dwelling house: But before the complaint of any person be received, he shall solemnly declare in court, that he belives in his conscience his cause is just. Moreover, every man shall be first cited before the court for the place where he dwells nor shall the cause be brought before any other court but by way of appeal from sentence of the first court, for receiving of which appeals, there shall be a court consisting of eight persons, and the Governor (protempore) president thereof, (to wit) four Proprietors and four freemen, to be chosen out of the great Council in the following manner, viz. the names of sixteen of the Proprietors shall be written on small pieces of parchment and put into a box, out of which by a lad under ten years of age, shall be drawn eight of them, the eight remaining in the box shall choose four; and in like manner shall be done for the choosing of four of the freemen.

XX. That all marriages not forbidden in the law of God, shall be esteemed lawful, where the parents or guardians being first acquainted, the marriage is publicly intimated in such places and manner as is agreeable to mens different perswasions in religion, being afterwards still solemnized before creditable witnesses, by taking one another as husband and wife, and a certificate of the whole, under the parties and witnesses hands, being brought to the proper register for that end, under a penalty if neglected.

XXI. That all witnesses coming or called to testify their knowledge in or to any matter or thing in any court or before any lawful authority within the Province, shall there give and deliver in their evidence by solemnly promising to speak the truth, the whole truth and nothing but the truth to the matter in question. And in case any person so doing shall be afterwards convict of willful falsehood, both such persons as also those who have proved to have suborn, shall undergo the damage and punishment both in criminal and in civil; the person against whom they did or should have incurred, which if it reach not his life, he shall be publicly exposed as a false witness, never afterwards to be

credited before any court; the like punishment in cases of forgery, and both criminals to be stigmatized.

XXII. Fourteen years quiet possession shall give an unquestionable right, except in cases of infants, lunaticks or married women, or persons beyond sea or in prison. And whoever forfeits his estate to the government by committing treason against the Crown of England, or in this Province, or by any other capital crime, the nearest of kin may redeem it within two months after the criminals death, by paying to the public treasury not above one hundred pounds, and not under five pounds sterling, which proportion the common Council shall determine, according to the value of the criminals estate, and to the nature of the offence; reparation to any who have suffered by him, and payment of all just debts being always allowed.

XXIII. For avoiding innumerable multitude of statutes, no act to be made by the great Council shall be in force above fifty years after it is enacted; but as it is then *de novo* confirmed, allways excepting these four and twenty fundamental articles, which, as the primitive charter, is forever to remain in force, not to be repealed at any time by the great Council, tho' two parts of the Council should agree to it, unless two and twenty of the four and twenty Proprietors do expressly also agree, and sixty six of seventy two freemen; and when they are one hundred forty four, one hundred thirty two of them; and also this assent of the Proprietors must be either by their being present in their own persons, or giving actually their votes under their hands and seals (if elsewhere) and not by proxies; which solemn and express assent must also be had in the opening of mines of gold and silver; and if

such be opened, one third part of the profit is to go to the publick Treasury; one third to be divided among the four and twenty Proprietors, and one third to Proprietor or planter in whose ground it is; the charges by each proportionably borne.

XXIV. It is finally agreed, that both the Governor and the members of the great and common Council, the great officers, judges, sheriffs and justices of the peace, and all other persons of public trust, shall before they enter actually upon the exercise of any of the employs of the province, solemnly promise and subscribe to be true and faithful to the king of England, his heirs and successors, and to the Proprietors, and he shall well and faithfully discharge his office in all things according to his commission, as by these fundamental constitutions is confirmed, the true right of liberty and property, as well as the just ballance both of the Proprietors among themselves, and betwixt them and the people: it's therefore understood, that here is included whatever is necessary to be retained in the first Concessions, so that henceforward there is nothing further to be proceeded upon from them, that which relates to the securing of every man's land taken up upon them, being allways excepted. *And provided also*, that all judicial and legal proceedings heretofore done according to them, be held, approved and confirmed.

Drummond. Robert Burnet. Bar. Gibson.
Robert Gordon. Gawn Lawry. Perth.
William Gibson. William Dockwra.
Thos. Hart. Thomas Barker and as
proxy for Ambrose Riggs. Clement
Plumstead, proxy for Barclay. Ar. Son-
mans. Robert Turner and Thomas
Cooper.

CHAPTER X.

1640-1660.

NEW ENGLAND DURING THE COMMONWEALTH.

Condition of the Colonies in 1640 — The "Fundamentals" or "Body of Liberties" — Its provisions — Annexation of New Hampshire — The articles of confederation of the United Colonies of New England — Religious troubles in Massachusetts — Gorton's heresy — The death of Miantonomoh — Sympathy with the Parliament Party — Resistance to interference — Roger Williams goes to England — Obtains a charter — Providence Plantations — Provisions of the Providence charter — Intolerant spirit of the theocratic party — Death of Winthrop — Affairs in Maine — The Plough patent to Lygonia — Government established in Maine — Yorkshire county established — Massachusetts asserts dominion over territory — Mint erected — Trouble with New Netherlands — Rise of the Quakers — Persecution and execution — Defense of the magistrates — End of the troubles — The labors of John Eliot — Progress of the colonies. Appendix to Chapter X.— Articles of Confederation of the United Colonies of New England, 1643.

Emigration to America had been stopped by the political changes in England during 1640, consequent upon the success of Parliament in its contest with Charles I., and this had a serious effect upon the fortunes of the New England colonies.* The prices of the staples upon which the colonists depended, especially cattle and corn, had experienced a great fall, and consequently there was great

difficulty in settling accounts and defraying debts. In order to meet the emergency, the authorities made a number of provisions such as allowing the use of beaver skins, wampum, etc., as currency instead of coin.* They also attempted to establish several new industries, such as ship-building, the manufacture of linen, cotton and woollen cloths, and the cultivation of hemp and flax, etc.†

The freemen had become jealous of the arbitrary, undefined powers and prerogatives of the magistrates, and in 1641 a convention of the freemen was called at which a collection of laws was prepared, known as the "Fundamentals" or "Body of Liberties." After the rough draft of these had been prepared by the council, it was at first submitted to the local magistrates and elders, and

* "Now that fountain began to be dried, and the stream turned another way, and many that intended to have followed their neighbors and friends into a land not sown, hoping by the turn of the times, and the great changes that were afoot, to enjoy that at their own doors and homes, which the other had travelled so far to seek abroad, there happened a total cessation of any passengers coming over; yea, rather, as at the turn of the tide, many came back with the help of the same stream, or sea, that carried them thither; insomuch that now the country of New England was to seek of a way to provide themselves of clothing, which they could not attain by selling of their cattle as before; which now were fallen from that huge price forementioned, £25, first to £14, and £10, an head, and presently, after (at least within a year) to £5 a piece; nor was there at that rate ready vent for them neither."—Hubbard, p. 238.

* *Wampum*: the wampum, or peage, consisted of cylindrical beads half an inch long, of two colors, white and bluish black, made by the Indians from parts of certain sea shells.

† See Hildreth, vol. i., pp. 268-270.

then sent to the freemen at large for consideration and improvement; having thus undergone considerable revision, the proposed laws were at length formally adopted with the provision that after three years' trial they were to be revised and then become finally established. These laws were about one hundred in number. The church members were still vested with the supreme power, and while universal suffrage was not conceded, every citizen was granted a certain share in the business of any public meeting. The supreme council still possessed the power of veto. Some certain degree of liberty was granted to private churches and assemblies of different Christians, but the council had power to arbitrarily put down any proceedings which they deemed dangerous or heterodox, and to punish or expel their authors. Such strangers and refugees as might profess the true Christian religion were to be received and sheltered. Death was to be the punishment for idolatry, witchcraft, and blasphemy, or the wilful disturbing of the established order of the state. These laws abolished slavery, villanage, or captivity, except in the case of lawful captives taken in war, or any case where slaves might be sold by others or should sell themselves. Injurious monopolies were not to be allowed. All torture was abolished, except whipping, ear-cropping and the pillory, which were retained as being necessary and wholesome. The liber-

ties of women, children and servants were defined in a more benevolent spirit, in harmony with the Mosaic code.*

On April 14, 1642, New Hampshire, which was still in its infancy, was annexed to Massachusetts on most favorable terms.† In 1643 the various settlements and colonies in New England, for the purpose of mutual aid and support, entered into an agreement by which this end could be effectually attained, and in May of that year formed a confederation under the name of "The United Colonies of New England." The confederation consisted of the colonies of Massachusetts, New Plymouth, Connecticut and New Haven.‡ The delegates from New Haven, Connecticut and Massachusetts signed the articles on May 19, but the Plymouth delegates were not authorized to sign until the articles had been reported to the Plymouth General Court and submitted to the towns for action and then ratified by the people, a method of procedure which formed an interesting precedent in our political history. This ratification having been given, the seal of the colony was affixed to the articles.|| According to

* Palfrey, *History of New England*, vol. i., pp. 229-282; Hildreth, vol. i., p. 273 *et seq.*; Bancroft, vol. i., p. 282 *et seq.*

† For the various proceedings leading up to this see Palfrey, vol. i., pp. 215-220; Bancroft, vol. i., pp. 286-287.

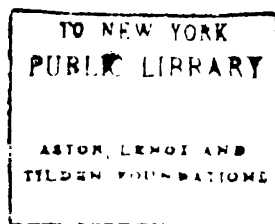
‡ Trumbull, *History of Connecticut*, vol. i., p. 98 *et seq.*

|| Frothingham, *Rise of the Republic*, p. 39. See Appendix 1. at the end of the present chapter.



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1. SEWALL'S BRIDGE AND COUNTRY CLUB HOUSE, YORK RIVER, MAINE. (The first pile bridge built in the United States.)
2. THE CRADDOCK HOUSE, MEDFORD, MASSACHUSETTS. (Built in 1634. The oldest building in New England, if not in the United States, retaining its original form.)



the articles, the several colonies entered into a bond of friendship and amity, both for offence and defence, mutual advice and succor, and for preserving and propagating the truth and liberties of the Gospel, as they interpreted it, and for their mutual safety and welfare. The government of each colony was to remain the same as heretofore, but none of the colonies was to receive any other plantation or colony as a confederate, nor could any two confederates be united into one jurisdiction without the consent of the other colonies forming the confederation. Two persons, styled commissioners, were to be chosen from each colony to form a legislature, which was to manage the affairs of the united colonies. These commissioners were to meet annually in the colonies in succession, at which time they were to choose a president, and the determination of any six of these commissioners was to be binding on all.* The confederacy continued essentially the same until the New England colonies were deprived of their charters by James II.†

The articles will also be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 77-81.

* *Acts of the Commissioners of the United Colonies*, vol. i., p. 3.

† "These commissioners had power to hear, examine, weigh, and determine, all affairs of war or peace, leagues, aids, charges, and number of men for war, divisions of spoils, and whatsoever is gotten by conquest, receiving of more confederates for plantations into combination with any of the confederates, and all things of a like nature, which are the proper concomitants and consequences of such a confederation for amity,

In this connection, Chalmers says: "The principles upon which this famous association was formed were altogether those of independency, and it cannot be easily supported upon

offence and defence, not intermeddling with the government of any of the jurisdictions, which, by the third article, is preserved entirely to themselves. The expenses of all just wars to be borne by each colony, in proportion to its number of male inhabitants, of whatever quality or condition, between the ages of sixteen and sixty. In case any colony should be suddenly invaded, on motion and request of three magistrates of such colony, the other confederates were immediately to send aid to the colony invaded, in men, Massachusetts one hundred, and the other colonies forty-five each, or for a less number, in the same proportion. The commissioners, however, were very properly directed, afterwards, to take into consideration the cause of such war or invasion, and if it should appear that the fault was in the colony invaded, such colony was not only to make satisfaction to the invaders, but to bear all the expenses of the war. The commissioners were also authorized to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations were interested, for preserving peace among themselves, and preventing, as much as may be, all occasions of war, or difference with others, as about the free and speedy passage of justice, in every jurisdiction, to all the confederates equally as to their own, receiving those that remove from one plantation to another, without due certificates. It was also very wisely provided in the articles, that runaway servants and fugitives from justice, should be returned to the colonies where they belonged, or from which they had fled. If any of the confederates should violate any of the articles, or in any way injure any one of the other colonies, such breach of agreement, or injury, was to be considered and ordered by the commissioners of the other colonies."—Pitkin, *Political History*, vol. i., p. 51. See also Bancroft, vol. i., pp. 289-294; Doyle, *English Colonies in America*, vol. ii., pp. 220-236; Fiske, *Beginnings of New England*, pp. 140-198; Bancroft, vol. i., pp. 289-296; Hurlburt, *Britain and Her Colonies*, pp. 12-13; Thwaites, *The Colonies*, pp. 154-159; Palfrey, *History of New England*, vol. i., pp. 259-267; Osgood, *American Colonies*, vol. i., p. 392 *et seq.*; Frothingham, *Rise of the Republic*, pp. 33-50; Hildreth, vol. i., p. 285 *et seq.*

any other. The colonies of Connecticut and New Haven had at that time enjoyed no charter, and derived their title to their soil from mere occupancy, and their powers of government from voluntary agreement. New Plymouth had acquired a right to their lands from a grant of a company in England, which conferred, however, no jurisdiction. And no other authority, with regard to the making of peace, or war, or leagues, did the charter of Massachusetts convey, than that of defending itself, by force of arms, against all invaders. But if no patent legalized the confederacy, neither was it confirmed by the approbation of the governing powers in England. Their consent was never applied for, and was never given. The various colonies, of which that celebrated league was composed, being perfectly independent of one another, and having no other connection than as subjects of the same crown, and as territories of the same state, might, with equal propriety and consistency, have entered into a similar compact with alien colonies or a foreign nation. They did make treaties with the neighboring plantations of the French and Dutch; and in this light was their conduct seen in England, and at a subsequent period did not fail to attract the attention of Charles II."*

* Chalmers, *Political Annals*, book i., chap. viii., p. 178. See also the same writer's *Introduction to the History of the Revolt of the American Colonies*, vol. i., pp. 86-87.

It was not long before religious dissensions arose in the colonies. There were two leaders of the Anabaptist sect who were very active in propagating their favorite tenets. These were John Clark and Obadiah Holmes. On one occasion, Clark, during a religious service, put on his hat to insult the minister as well as the people, and was subjected to a severe flagellation.* A number of his followers were also expelled from the colony. Another of the same type as Clark and Holmes, Samuel Gorton, caused the authorities no little trouble. He entertained certain mystical views of the doctrines of Scripture peculiar to himself; to him there was "no heaven but in the heart of a good man, no hell but in the conscience of the wicked;" he claimed that the doctrinal formulas and church ordinances of the orthodox Puritans were human inventions, and as such were both unauthorized and mischievous. He also regarded the assumed authority of the New England theocrats as an intolerable yoke of bondage, which he was daring enough to defy and ridicule. In 1638 he was therefore expelled from Plymouth and went to Providence, where

* Isaac Backus, *History of New England with Particular Reference to the Denomination Called Baptists*, vol. i., p. 237; Doyle, *English Colonies in America*, vol. ii., pp. 311-313; Palfrey, *History of New England*, vol. i., p. 382 *et seq.*; Osgood, *American Colonies*, vol. i., pp. 264-269. On the treatment of the Anabaptists in general, see Brooks Adams, *The Emancipation of Massachusetts*, chap. iv.

he also became involved in a dispute. Some of the inhabitants invited the interference of Massachusetts, and the magistrates of Boston ordered him to appear before them, but he fled beyond their reach, and having purchased some land in Shawomet, from Miantonimoh (the Narragansett chief, an ally of the colonists in the Pequot war), he established an independent settlement. The transfer was made to him by the Indians in January, 1643.*

Two of the inferior chiefs of the Narragansetts denied the rightfulness of this grant to Gorton, and upon appeal to the Boston magistrates, the grant was declared void and the disputed territory made over to the Massachusetts colony. Gorton was summoned to appear before the court at Boston, but denied that the men of Massachusetts possessed the right of jurisdiction over him, yet offered to submit his case to the arbitration of any other colonists who might be selected. The magistrates, therefore, sent a body of soldiers to seize him and his adherents;† and after he had been taken to Boston, he was brought before the court on a charge of being a blasphemous subverter of "true religion and civil

government." He was unable to explain away the obnoxious imputations, and together with many of his followers, he was convicted and sentenced to death.* In 1644, however, the sentence was commuted and Gorton and his followers, after being imprisoned at hard labor during the winter and deprived of their cattle and stores, were released and expelled.‡ Gorton then went to Aquedneck, R. I., where he was received with hospitality. After several unsuccessful attempts to regain Shawomet, Gorton went to England, where he presented his case to the Earl of Warwick, who was then governor-in-chief and lord high admiral of the colonies and the head of the Plantations Committee of Parliament. Warwick not only gave him patents to Shawomet, but on his return to Boston in 1646, gave him a letter demanding that the Massachusetts people should not molest him in any way.‡ Gorton, therefore, renamed his restored plantation Warwick.||

* Gorton, pp. 62-67; Winthrop, pp. 142-143; *Massachusetts Colonial Records*, vol. ii., p. 52.

† *Rhode Island Historical Society Collections*, vol. ii., p. 255; Hazard, *State Papers*, vol. ii., p. 10.

‡ Winthrop, *History of New England*, vol. ii., p. 282; *Rhode Island Colonial Records*, vol. i., p. 367; *Rhode Island Historical Society Collections*, vol. iv., p. 195.

|| For a review of the entire controversy see Doyle, *English Colonies in America*, vol. ii., pp. 236-246; Winslow's answer to Gorton entitled *Hypocrasie Unmasked* (London, 1646); Mackie's *Life of Samuel Gorton* (Boston, 1845); Brayton's *Defence of Samuel Gorton*, in Rider's Tracts, no. xvii.; Fiske, *Beginnings of New England*, pp. 162-174; Palfrey, *History of New England*, vol. i.,

* For the deed of sale, dated January 12, 1642-3, see the *Rhode Island Records*, vol. i., p. 130; Winthrop, vol. ii., p. 144; *Collections of the Rhode Island Historical Society*, vol. ii., p. 254.

† For the details of this affair see Winthrop, *History of New England*, vol. ii., pp. 137-140; Gorton, *Simplicities Defence against Seven-Headed Polity*, pp. 57-60.

The fate of Miantonimoh, the Narragansett chief, was sad. He had incurred the enmity of Uncas, sachem of the Mohegans, and having fallen into the hands of the latter, he was barbarously put to death by the advice of the Colonial Commissioners at Boston.*

While the Massachusetts colonists fully sympathized with the "Godly Parliament," they were careful not to commit themselves too far in any measures which they might subsequently be compelled to withdraw. The Board of Control appointed by Parliament, although it possessed extensive powers, made no attempt for a short time to interfere with Massachusetts or her privileges, and her exports and imports were exempted from taxation. Two years later, when Parliament endeavored to assert its jurisdiction over the colonies, Massachusetts made a spirited protest, and as she was supported by Sir Henry Vane and others, the matter did not proceed much farther.

Meanwhile, Roger Williams had become alarmed at the evident purpose of Massachusetts to interfere with his rights, and in March, 1643, he went to England to solicit a charter

from the King. Being forbidden to visit Boston, he went to Manhattan and proceeded to his destination by way of Holland. While in England, he published his *Key to the Language of America*. He also attacked the principle of religious despotism obtaining in Massachusetts, in his *Bloody Tenet of Persecution for the Cause of Conscience*, to which Cotton replied in a tract entitled *Bloody Tenet Washed and made white in the Blood of the Lamb*. Williams succeeded in obtaining the charter, which was granted him March 14, 1644, and in the autumn of that year he returned to America with the instrument.* The territory granted included the shores and islands of Narragansett Bay, west of Plymouth and south of Massachusetts, as far as the Pequot River,† the name of Providence Plantation being given to it, and the right to govern themselves as they might choose being secured to the inhabitants.‡ Before Williams

* The charter will be found in Thorpe, *Federal and State Constitutions*, vol. vi., pp. 3209-3211; Bartlett, *Records of the Colony of Rhode Island and Providence Plantations*, vol. i., pp. 143-146.

† Richman, *Rhode Island*, pp. 33-35; Bancroft, vol. i., p. 296; Fiske, *Beginning of New England*, pp. 156-157.

‡ "The first legislator who fully recognized the rights of conscience was Roger Williams, a name less illustrious than it deserves to be; for, although his eccentricities of conduct and opinion may sometimes provoke a smile, he was a man of genius and of virtue, of admirable firmness, courage, and disinterestedness, and of unbounded benevolence. After some wanderings, he pitched his tent at a place, to which he gave the name of Providence, and there became the founder and legislator of the colony of Rhode Island. There

pp. 302-314, 339-343; Osgood, *American Colonies*, vol. i., pp. 345-352; Hildreth, vol. i., p. 289 *et seq.*; Richman, *Rhode Island*, pp. 16-27; Bates, *Rhode Island and the Formation of the Union*, pp. 21-22.

* Winthrop, *History of New England*, vol. ii., pp. 131-132; DeForest, *History of the Indians of Connecticut*; Palfrey, *History of New England*, vol. i., p. 306 *et seq.*; Johnston, *Connecticut*, pp. 48-50.

was able formally to establish his new colony, however, he was forced to settle several difficulties arising out of claims on the part of Massachusetts and Plymouth to tracts of land lying within the limits of his territory. But he successfully overcame these difficulties, and in May, 1647, inaugurated a government.*

he continued to rule, sometimes as the governor, and always as the guide and father of the settlement, for forty-eight years, employing himself in acts of kindness to his former enemies, affording relief to the distressed, and offering an asylum to the persecuted. The government of his colony was formed on his favorite principle, that in matters of faith and worship, every citizen should walk according to the light of his own conscience, without restraint or interference from the civil magistrate. During a visit which Williams made to England, in 1643, for the purpose of procuring a colonial charter, he published a formal and labored vindication of this doctrine, under the title, *The Bloody Tenet, or a Dialogue between Truth and Peace*. In this work, which was written with his usual boldness and decision, he anticipated most of the arguments, which, fifty years after, attracted so much attention when they were brought forward by Locke. His own conduct in power was in perfect accordance with his speculative opinions; and when, in his old age, the order of his little community was disturbed by an irruption of Quaker preachers, he combated them only in pamphlets and public disputations, and contented himself with overwhelming their doctrines with a torrent of learning, invective, syllogisms and puns. It should also be remembered, to the honor of Roger Williams, that no one of the early colonists, without excepting William Penn himself, equalled him in justice and benevolence towards the Indians."—G. C. Verplanck, *Anniversary Discourse before the New York Historical Society*, 1818, p. 23.

* Doyle, *English Colonies in America*, vol. ii., pp. 267–273; Palfrey, *History of New England*, vol. i., p. 343 *et seq.*; Staples, *Annals of Providence*; Arnold, *History of Rhode Island*, vol. i., p. 118 *et seq.*; Osgood, *American Colonies*, vol. i., pp. 352–362.

By the charter, Providence, Portsmouth and Newport were united, the inhabitants being allowed to rule themselves "by such form of civil government as by the voluntary consent of all or the greatest part of them shall be found most serviceable to their estate and condition." Probably no patent in the English colonial history placed so few restrictions upon the grantees as this. Full governmental powers were granted, the only restrictions being that "the laws, constitutions and punishments conform to the laws of England." The assembly then proceeded to institute a representative government. The general officers, a president, four assistants, a general recorder, and a treasurer, were to be elected annually, the body of freemen constituting the electors. The popular initiative and referendum were introduced in the method prescribed for enacting the laws. Any town in town meeting might propose a law which was to be sent to the other towns for consideration. A "General Court" of six members from each town next considered it and, if a majority concurred, it was then to be confirmed by the next "General Assembly of all the people." Judicial powers were vested in a "General Court of Trials," to be held twice annually by the president and assistants. Town affairs were to be administered by a town council of six members.*

* Bates, *Rhode Island and the Formation of the Union*, pp. 16–17.

But the peace of the colony did not remain long uninterrupted. The following year, Coddington, as the head of a faction of the inhabitants, secured a new charter for Portsmouth and Newport, and for several years a bitter fight was maintained between the two factions. In May, 1654, however, Williams succeeded in restoring affairs to their normal condition, and in the following August the towns were again united under the general charter of 1644, with Williams as president.* In 1656 Coddington submitted to the authorities, resigned his Indian deeds and other records into the keeping of the Rhode Island settlers, and took his seat in the council as commissioner from Newport. A letter was also sent to England at this time recommending that the charges which had previously been filed against him be dismissed.†

During this time, the opponents of theocratic government in Massachusetts had been endeavoring to obtain a relaxation of its severity. It therefore became necessary for the authorities to choose between yielding or proceeding to even greater lengths in support of their claims to virtual infallibility. Toleration was not to be thought of; antinomian and ana-

baptist notions were to be crushed unrelentingly; and instant punishment to be meted out to latitudinarianism.* Dudley, the governor, who died in 1650, left behind him some verses which fairly well express the stern Puritan principles:

"Let men of God, in courts and churches watch
O'er such as do a toleration hatch,
Lest that ill egg bring forth a cockatrice,
To poison all with heresy and vice.
If men be left, and otherwise combine,
My epitaph's—'I died no libertine!'"

On March 26, 1649, Winthrop died. He was then in his tenth term of office and during his long administration had constantly put forth his best efforts in behalf of the colony. As he died poor, the General Court voted £200 to the support of his family. He left behind him a journal of such events as had transpired during his connection with the colony, and it is an invaluable document for the study of our early history.†

Meanwhile affairs in Maine had taken a turn highly favorable to Massachusetts, which ultimately brought a large tract of territory under its power. In 1643 George Cleeve of Casco succeeded in buying the "Plough Patent" to Lygonia,‡

* For the details see Palfrey, vol. i., pp. 381-390; Turner, *William Coddington in Colonial Affairs, Rhode Island Historical Tracts*, no. 4; *Rhode Island Colonial Records*, vol. i., pp. 233-273, 305, 316, 318; Hildreth, vol. i., p. 394 et seq.; Richman, *Rhode Island*, pp. 35-41.

† *R. I. Col. Recs.*, vol. i., pp. 327-328, 382; Arnold, vol. i., p. 259.

* At this time, the first execution for witchcraft took place (in 1648), the victim being a woman by the name of Margaret Jones, who was charged with having "a malignant touch." Fiske, *New France and New England*, p. 145; Winthrop, vol. ii., p. 326; W. F. Poole, in *North American Review*, April, 1869, pp. 343-344.

† For the events of his last years of office, see Palfrey, *History of New England*, vol. i., pp. 352-362.

‡ This was a patent issued by the Council for New England earlier in date than that of 1639

through the agency of Alexander Rigby, and in securing a commission to take possession of the territory and govern it. Repairing to Maine, Cleeve proceeded to oust Vines, but the colonists appealed to Massachusetts. Receiving no aid from that source, they appealed to the Commission for Foreign Plantations in England, but the Puritan Parliament saw an opportunity for undermining the power of Gorges and therefore decided in favor of Rigby and Cleeve.* In 1646 the province of Lygonia, extending along the coast for 30 miles from Cape Porpoise to Cape Elizabeth, was taken away from Gorges and thus his province was split in half, the western part of it now extending from Cape Porpoise to the Piscataqua and the eastern part from Casco to the Kennebec.

But in May, 1647, Gorges died, and the settlements in Maine were left alone to fight their battles as best they could. In 1649 the inhabitants of Kittery Mills and Gorgeana formed a government for the "province of Maine," choosing Edward

Godfrey as their leader, but the new government was short-lived.* The Massachusetts Puritans now began to assume parental powers over the Kennebec territory of the New Plymouth colony, and bought from Thomas Purchase a share which he held in a patent to a tract two miles broad along the Bishopscote or Pejeboscot River (now the Androscoggin). In 1649 the Puritan colony claimed that their northern boundary extended three miles north of the farthest point touched by the Merrimac or its tributaries, but the people of Maine protested against the encroachment. Their protests, however, availed little, as the home government favored the Puritans, and gradually, one by one, Kittery, Agamenticus (or Gorgeana), and the other Gorges settlements, with the Isles of Shoales, submitted to annexation to Massachusetts, the territory being erected into a separate county named Yorkshire.

In 1650 Rigby died, and though Lygonia did not suffer because of this event, her settlements, like those of Gorges, gradually came under the control of Massachusetts. In 1652 Saco and Cape Porpoise submitted, and by 1658 all the other settlements had followed suit—Black Point, Spurwick, Blue Point (Scarborough) and Falmouth (as Casco was now named). Thus the whole settled territory north of Plymouth came under

given to Gorges, and covering much the same territory. It received its name from the ship in which it was brought to New England. It represented what was characterized as a "broken tittle" and had been buried and forgotten until resurrected by Cleeve. See Baxter, *George Cleeve*, pp. 116-120; Banks, *Sir Alexander Rigby*, pp. 27-39; Winsor, *Narrative and Critical History*, vol. iii., pp. 322-323.

* See Baxter, *George Cleeve*, in *Publications of Gorges Society*; Williamson, *History of Maine*, vol. i.; Adams, *Three Episodes of Massachusetts History*, vol. i., pp. 314-315.

* Bancroft, vol. i., pp. 299-300.

the dominion of Massachusetts, and continued so for the remaining seven years of the Commonwealth. Several attempts were made by Massachusetts to annex territory to the southward, but these were unsuccessful.*

At this time the first mint erected in Massachusetts was established. Increasing trade with the West Indies had brought a considerable quantity of bullion into the country, and in order to stop its exportation to England in payment for goods, Massachusetts, in June, 1652, passed an act for establishing a mint to coin the bullion. The mint was set up at Boston, and in it were coined "shillings, sixpences, and threepences, with a pine tree on one side, and 'New England' on the other. These pieces were alloyed one-fourth below the British standard—an experiment often tried elsewhere, under the fallacious idea that, thus debased, they would not be exported. Thus it happened that the pound currency of New England came to be one-fourth less valuable than the pound sterling of the mother country—a standard afterwards adopted by the English Parliament for all the North American colonies."†

In 1651 war was declared between

Holland and England, and as we have noted in a previous chapter, attempts were made to reduce New Netherland, but on April 5, 1654, peace was proclaimed, and the troops were disbanded.* The fleet, however, having no chance to invade the Dutch territory, turned their attention to Acadia, of which they took possession, notwithstanding the fact that France and England were at peace.

In 1655 another execution for witchcraft took place, the victim being Anne Hibbins, sister of Bellingham. She had become offensive and troublesome to her neighbors because of her losses and disappointments. Notwithstanding her influential connections, she was quickly and easily disposed of as guilty of witchcraft.

Despite the remonstrances of Sir Richard Saltonstall and others in England, the magistrates continued upon their offensive course in the colonies, and they were now called upon to carry out their ideas of religious tolerance to an extent which even they themselves had not contemplated. This was due to the advent of the Quakers in the colony. This sect had taken its rise in England about 1644, under the preaching of George Fox, and their tenets and practices were both peculiar and novel at that age. Their fundamental principle was that of an inward revelation of God to man, and

* Doyle, *English Colonies in America*, vol. ii., p. 306 *et seq.*; Bancroft, vol. i., pp. 298-299, 378-380; Palfrey, *History of New England*, vol. i., pp. 402-403; Osgood, *American Colonies*, vol. i., pp. 371-391; Hildreth, vol. i., p. 374 *et seq.*

† Hildreth, *History of the United States*, vol. i., p. 385. See also Fiske, *Beginnings of New England*, p. 192; Palfrey, pp. 407-408.

* For the details of this see Fiske, *Dutch and Quaker Colonies*, vol. i., pp. 243-251; Hildreth, vol. i., pp. 385-389.

an indwelling of the Divine Spirit in the human soul, and by this unerring voice and not by the creeds and formularies of man, the Holy Scriptures were to be interpreted to every individual believer. They denounced any interference with the consciences of men as being anti-Christian and intolerable. Though Cromwell had declared that "he that prays best will fight best," the Quakers did not believe even in defensive warfare and refused to bear arms when they were ordered to do so by the civil magistrate. Their "yea was yea, and their nay was nay," and as they believed that "whatsoever was more than this cometh of evil," they insisted upon observing the letter of the Scripture, which commands the believer to "swear not at all," and refused to take oaths when required to do so by authority. They believed that all persons were at liberty to preach whenever they felt moved thereto; and regarded a settled ministry as wolves amid the flock. They abhorred titles, denounced the most simple and innocent pleasures, and especially the tyranny of rulers in high places, whether temporal or spiritual. As they were particularly zealous, they carried on their work everywhere, and seemed to delight in courting persecution and outrage. Such being the case, they coveted a contest with the New England theocracy.

Early in 1656, two women, by name Mary Fisher and Ann Austin, arrived from Barbadoes, but as they were supposed to be possessed of the devil, they were speedily arrested, imprisoned for a period of five weeks, and after their trunks had been rifled and their books burned, they were banished from the colony.*

Several laws were passed to deal with this situation. Whoever should introduce a Quaker into the colony or spread abroad Quaker tracts and books, was to be severely fined. Whipping was to be the punishment for such as should harbor a Quaker no matter what their pretence; females coming under the provision equally with males. The first offence was to be punished with the loss of one ear, the second with the loss of the other ear, and although the law prohibited torture, on the third conviction the offenders were to have their tongues bored through with hot irons.† Nevertheless, the sect seemed to thrive on persecution. They defied the magistrates, disturbed public worship and did everything in their power to bring their tenets before the public.

Many of them had gone to Rhode Island, where Williams' doctrine of

* Fiske, *Beginnings of New England*, pp. 179-183; Bancroft, vol. i., p. 312 *et seq.*

† *Massachusetts Colonial Records*, vol. iv., p. 277 *et seq.*; George Bishop, *New England Judged by the Spirit of the Lord*, p. 7 (ed. of 1703). For laws passed by other colonies see *Connecticut Records*, vol. i., p. 283; *Plymouth Records*, vol. xi., pp. 64, 177, 120, 205; *New Haven Records*, vol. ii., p. 217.

free worship to all, indiscriminately, allowed them to preach and propagate their tenets undisturbed.* But they were not content with this; they preferred persecution to everything else; so they went to Boston where it was war to the knife between ecclesiastical bigotry and insane fanaticism. The Puritans not only did not wish to adopt the doctrines of the Quakers, but would not allow anyone else to adopt them if it were possible to prevent it. Fines, whippings, croppings and imprisonments, however, had been in vain, and in 1658, as a last resource, the council passed a decree of banishment, under pain of death, against such as should support the Quaker doctrines. This was not done, however, without the strenuous resistance of a portion of the deputies.† Still the indomitable Quakers did not desist from their practices, but gloried in the opportunity to suffer martyrdom. William Robinson, Marmaduke Stephenson, and Mary Dyer persisted in braving the penalty denounced against them and were tried and condemned.‡ The younger Winthrop earnestly sought to prevent their execution, and Colonel Temple offered to carry them away, and if they returned, fetch them off a second time. Winthrop used all of

his influence to have the anti-Quaker laws made less severe, and in this he was largely successful.* In the council, many of the members regarded the Quakers as mere lunatics, and being such, that it would be foolish to proceed against them, but the majority prevailed, and on October 27, 1659, Stephenson and Robinson were brought to the scaffold. "I die for Christ," said Robinson. "We suffer not as evildoers, but for conscience sake," said Stephenson.† After Mary Dyer had witnessed the execution of her two companions, she exclaimed, "Let me suffer as my brethren, unless you will annul your wicked law." But her son interceded in her behalf, and forced her from the scaffold. Her life was spared on condition that she leave the colony within forty-eight hours.‡ This, however, did not satisfy the wretched woman, who had been excited almost to insanity by inward enthusiasm and the horrible scenes she had witnessed, and while in prison she addressed an energetic remonstrance against the cruelty of the council. "Woe is me for you! ye are disobedient and deceived. You will not repent that you were kept from shedding blood, though it was by a woman." Working herself up into a frenzy, she later returned to the "bloody town," to defy the

* Rhode Island refused to prosecute them for their religious opinions but promised to stop any disorders. See *Rhode Island Records*, vol. i., p. 376 *et seq.*; Bates, *Rhode Island and the Formation of the Union*, pp. 27-28.

† *Mass. Col. Recs.*, vol. iv., p. 345.

‡ *Ibid.*, vol. iv., p. 383 *et seq.*

* See Bishop, *New England Judged by the Spirit of the Lord*, p. 157.

† Bishop, pp. 122-126, describes the execution in detail.

‡ *Mass. Col. Recs.*, vol. vi., p. 384.

tyrants and to seal her testimony against them with her life.* She was consequently hanged on June 1, 1660, on Boston Common.† Meanwhile, the magistrates had entered a formal defence of their various actions. They say:

"Although the justice of our proceedings against William Robinson, Marmaduke Stephenson, and Mary Dyer supported by the authority of this Court, the laws of the country, and the law of God, may rather persuade us to expect encouragement and commendation from all prudent and pious men than convince us of any necessity to apologize for the same; yet, forasmuch as men of weaker parts, out of pity and commiseration—a commendable and Christian virtue, yet easily abused, and susceptible of sinister and dangerous impressions—for want of full information, may be less satisfied, and men of perverser principles may take occasion hereby to calumniate us and render us bloody persecutors—to satisfy the one and stop the mouths of the other, we thought it requisite to declare, That about three years since, divers persons, professing themselves Quakers—of whose pernicious opinions and practices we had received intelligence from good hands, both from Barbadoes and England—arrived at Boston, whose persons were only secured to be sent away by the first opportunity, without censure or punishment. Although their professed tenets, turbulent and contemptuous behavior to authority, would have justified a severer animadversion, yet the prudence of this Court was exercised only to make provision to secure the peace and order here established, against their attempts, whose design—we were well assured of by our own experience, as well as by the example of their predecessors in Munster—was to undermine and ruin the same. And accordingly a law was made and published, prohibiting all masters of ships to bring any Quakers into this jurisdiction, and themselves from coming in, on penalty of the house of correction until they

should be sent away. Notwithstanding which, by a back door, they found entrance, and the penalty inflicted upon themselves, proving insufficient to restrain their impudent and insolent intrusions, was increased by the loss of the ears of those that offended the second time; which also being too weak a defence against their impetuous fanatic fury, necessitated us to endeavor our security; and upon serious consideration, after the former experiment, by their incessant assaults, a law was made, that such persons should be banished on pain of death, according to the example of England in their provision against Jesuits, which sentence being regularly pronounced at the last Court of assistants against the parties abovenamed, and they wither returning or continuing presumptuously in this jurisdiction after the time limited, were apprehended, and owning themselves to be the persons banished, were sentenced by the Court to death, according to the law aforesaid, which hath been executed upon two of them. Mary Dyer, upon the petition of her son, and the mercy and clemency of this Court, had liberty to depart within two days, which she hath accepted of. The consideration of our gradual proceedings will vindicate us from the clamorous accusations of severity; our own just and necessary defence calling upon us—other means failing—to offer the point which these persons have violently and wilfully rushed upon, and thereby become *felones de se*, which might have been prevented, and the sovereign law, *salus populi*, been preserved. Our former proceedings, as well as the sparing of Mary Dyer, upon an inconsiderable intercession, will manifestly evince we desire their lives, absent, rather than their deaths, present." *

But matters had now gone too far for the magistrates to draw back. In 1661 William Leddra was placed on trial, convicted and sentenced. Although he was offered pardon on condition that he would leave the colony, he refused and was then put to death, he being the last victim.† Another Quaker, Wenlock Christison, who had

* *Mass. Col. Recs.*, vol. iv., p. 419.

† Bishop, pp. 310–312; Fiske, *Beginnings of England*, p. 184 *et seq.*; Palfrey, *History of New England*, vol. ii., pp. 1–13; Sewell, *History of the Quakers*, vol. i., p. 303; Hildreth, vol. i., pp. 399–409; Adams, *Three Episodes of Massachusetts History*, vol. ii., pp. 548–551.

* For the entire matter see Osgood, *American Colonies*, vol. i., pp. 269–284.

† Sewel, *History of the Quakers*, vol. i., p. 461; Bishop, pp. 315–329.

previously been banished, now returned and courted death, but public opinion had become so fully aroused that he was released soon after his arrest.* He boldly scored the magistrates. "What do you gain by taking Quakers' lives? For the last man that ye put to death, here are five come in his room. If ye have power to take my life, God can raise up ten of his servants in my stead."† The tide of popular sympathy had now become so strong that the magistrates were not able to withstand it and they gave up all attempts to carry out their former plans. The persons arrested on these charges were released and ordered to be whipped beyond the bounds of the colony, if ever they returned.‡ And so, the mania, in due time, died a natural death.||

While the Boston magistrates were

* Bishop, pp. 334-340.

† Bancroft, vol. i., p. 315.

‡ Besse, *Sufferings of the Quakers*, vol. ii., p. 223; *Massachusetts Records*, vol. iv., part ii., p. 24; Osgood, *American Colonies*, vol. i., p. 286 *et seq.*

|| On the entire situation see Humphrey Norton's pamphlet, *New England's Ensign; New England a Degenerate Plant* (a Quaker account); Doyle, *English Colonies in America*, vol. iii., pp. 98-114; *The Popish Inquisition newly erected in New England* (London, 1659); *The Secret Works of a Cruel People made Manifest* (1659); the pamphlet by Stephenson and Robinson entitled *A Call from Death to Life* (1660); John Norton, *The Heart of New England Rent at the Blasphemies of the Present Generation* (London, 1660); J. S. Pike, *New Puritan* (New York, 1879); Hallowell, *Pioneer Quakers* (Boston, 1887) and his *Quaker Invasion of Massachusetts* (Boston, 1883); Brooks Adams, *The Emancipation of Massachusetts*, chap. v (Boston, 1887); Ellis, *The Puritan Age and Rule* (Boston, 1888).

serving the colonies according to their own peculiar methods, another servant of an entirely different sort had been carrying the Word to the natives in the interior. John Eliot, born in England in 1604, and educated at Cambridge, came to New England in 1631. Being desirous of improving the Indians in a spiritual sense, Eliot, while discharging the duties of minister of a church in Roxbury, took upon his shoulders the task of learning the dialect spoken by the New England Indians so as to translate the Bible in order that the Indians might be able to read and learn. He began his efforts as far back as 1645—preaching his first sermon to the Indians on October 18, 1646. In 1661 his labors being so successful, a large sum of money was sent to him from England to support and assist his work, and after a number of converts had been made, and churches founded, a sort of Indian school was established in 1663. Nevertheless, Eliot's labors seem to have made but little impression upon the savage mind. While he was present the Indians took very kindly to the doctrines he taught, but as soon as he had gone from their presence, they sank back into their old life. The greater part of the sterner Puritans looked coldly upon the project and thus Eliot labored under a double difficulty. As Graham says, "It was a remarkable feature in Eliot's long and arduous career that the energy by which he was actuated

never sustained the slightest abatement, but, on the contrary, evinced a steady and vigorous increase. As his bodily strength decayed, the energy of his being seemed absorbed in holy love. Being asked, shortly before his departure, how he did, he replied, 'I have lost everything; my understanding leaves me, my memory fails me, my utterance fails me — but I thank God, my charity holds out still: I find that rather grows than fails.' '*

* Cotton Mather, in his *Life of the Renowned John Eliot*, enters largely into the history of Eliot's labors among the Indians. See Mather's *Magnalia*, vol. i., pp. 526-583. See also the *Life* by Francis in Sparks, *American Biography*, 1st ser., vol. v. (1836); articles in the *Dictionary of National Biography*, vol. xvii. (1899), and *Cyclopedia of American Biography*, vol. ii. (1887); *The Day Breaking, if not the Sun rising, of the Gospel, with the Indians in New England* (London, 1647); *The Glorious Progress of the Gospel amongst the Indians in New England* (1649); Shepard, *Clear Sunshine of the Gospel Breaking forth upon the Indians* (1648); Whitefield, *Light Appearing More and More Towards the Perfect Day* (1651).

While Cromwell was in power in England, the affairs in Massachusetts and her immediate neighbors had been on the whole very prosperous. Cromwell favored them all he could, and being free from outside interference, the New Englanders steadily advanced in wealth and power. Ship-building became active, commerce increased, and trades of various sorts were extended rapidly along the coast. The Puritans frowned upon everything that tended to laxity of manners. Many and curious laws were enacted regarding marriage and marriage ceremonies. The male portion of the community were trained in the use of arms and a martial spirit was readily kept up. Several forts were erected, which were stocked with supplies and ammunition. Material prosperity was very much increased, and the colonists experienced no lack of comforts and enjoyments of the good things of life.

APPENDIX TO CHAPTER X.

ARTICLES OF CONFEDERATION OF THE UNITED COLONIES OF NEW ENGLAND, 1643.

Between the plantations vnder the Gouvernment of the Massachusetts, the Plantacons vnder the Gouvernment of New Plymouth, the Plantacons vnder the Gournment of Connectacutt, and the Gouvernment of New Haven with the Plantacons in combinacon therewith.

Whereas wee all came into these parts of America with one and the same end and ayme, namely, to advaunce the kingdome of our Lord Jesus Christ, and to enjoy the liberties of the Gospell in puritie with peace. And whereae in our settleinge (by a wise Providence of God) we are further dispersed vpon the Sea Coasts and Riuers than was at first intended, so that we cannot according to our desire, with convenience communicate in one Gouvernment and

Jurisdiccon. And whereas we live encompassed with people of seuerall Nations and strang languages which heereafter may proue injurious to vs or our posteritie. And forasmuch as the Natives have formerly committed sondry insolences and outrages vpon seuerall Plantacons of the English and have of late combined themselves against vs. And seing by reason of those sad Distraccons in England, which they have heard of, and by which they know we are hindred

from that humble way of seeking advise or reapeing those comfortable fruits of protection which at other tymes we might well expecte. Wee therefore doe conceiue it our bounden Dutye without delay to enter into a present consotiation amongst our selues for mutual help and strength in all our future concernements: That is in Nation and Religion, so in other Respects we bee and continue one according to the tenor and true meaninge of the ensuing Articles: Wherefore it is fully agreed and concluded by and betweene the parties or Jurisdiccons aboue named, and they joyntly and seuerally doe by these presents agreed and concluded that they all bee, and henceforth bee called by the Name of the United Colonies of New-England.

II. The said United Colonies, for themselues and their posterities, do joyntly and seuerally, hereby enter into a firme and perpetuall league of friendship and amytie, for offence and defence, mutuall advise and succour, vpon all just occasions, both for preserueing and propagating the truth and liberties of the Gospel, and for their owne mutuall safety and welfare.

III. It is further agreed That the Plantacons which at present are or hereafter shalbe settled within the limmetts of the Massachusetts, shalbe forever vnder the Massachusetts, and shall have peculiar Jurisdiccon among themselves in all cases as an entire Body, and that Plymouth, Connecktacutt, and New Haven shall eich of them haue like peculiar Jurisdiccon and Gouernment within their limmetts and in reference to the Plantacons which already are settled or shall hereafter be erected or shall settle within their limmetts respectively; prouided that no other Jurisdiccon shall hereafter be taken in as a distinct head or member of this Confederacon, nor shall any other Plantacon or Jurisdiccon in present being and not already in combynacon or vnder the Jurisdiccon of any of these Confederats joyne in one Jurisdiccon without consent of the rest, which consent to be interpreted as is expressed in the sixth Article ensuinge.

IV. It is by these Confederats agreed that the charge of all just warrs, whether offensive or defensive, upon what part or member of this Confederacon soever they fall, shall both in men and provisions, and all other Disbursements, be borne by all the parts of this Confederacon, in different proporcons according to their different abilitie, in manner following, namely, that the Commissioners for eich Jurisdiccon from tyme to tyme, as there shalbe occasion, bring a true account and number of all the males in every Plantacon, or any way belonging to, or under

their seuerall Jurisdiccons, of what quality or condicion soeuer they bee, from sixteene yeares old to threescore, being Inhabitants there. And That according to the different numbers which from tyme to tyme shalbe found in eich Jurisdiccon, upon a true and just account, the service of men and all charges of the warr be borne by the Poll. Eich Jurisdiccon or Plantacon, being left to their owne just course and custome of rating themselves and people according to their different estates, with due respects to their qualites and exemptions among themselves, though the Confederacon take no notice of any such privileged: And that according to their different charge of eich Jurisdiccon and Plantacon, the whole advantage of the warr (if it please God to bless their Endeavours) whether it be in lands, goods or persons, shall be proportionably deuided among the said Confederats.

V. It is further agreed That if any of these Jurisdiccons, or any Plantacons vnder it, or in any combynacon with them be envaded by an enimie whomsoever, vpon notice and request of any three majestrats of that Jurisdiccon so invaded, the rest of the Confederates, without any further meeting or expostulacon, shall forthwith send ayde to the Confederate in danger, but in different proporcons; namely, The Massachusetts an hundred men sufficiently armed and provided for such a service and journey, and eich of the rest forty-five so armed and provided, or any lesse number, if lesse be required, according to this proporcon. But if such Confederate in danger may be supplied by their next Confederate, not exceeding the number hereby agreed, they may craue help there, and seeke no further for the present. The charge to be borne as in this Article is exprest: And, at the returne, to be victualled and supplied with poder and shott for their journey (if there be neede) by that Jurisdiccon which employed or sent for them: But none of the Jurisdiccons to exceed these numbers till by a meeting of the Commissioners for this Confederacon a greater ayd appeare necessary. And this proporcon to continue, till upon knowledge of greater numbers in eich Jurisdiccon which shalbe brought to the next meeting some other proporcon be ordered. But in any such case of sending men for the present ayd whether before or after such order or alteracon, it is agreed that at the meeting of the Commissioners for this confederacon, the cause of such warr or invasion be duly considered: And if it appeare that the fault lay in the parties so invaded, that then that Jurisdiccon or Plantacon make just Satisfaccon, both to the

Invaders whom they have injured, and beare all the charges of the warr themselves without requiring any allowance from the rest of the Confederats towards the same. And further, that if any Jurisdiccon see any danger of any Invasion approaching, and there be tyme for a meeting, that in such case three majestrats of that Jurisdiccon may summon a meeting at such convenyent place as themselves shall think meete, to consider and provide against the threatned danger, Provided when they are met they may remove to what place they please, Onely whilst any of these foure Confederats have but three majestrats in their Jurisdiccon, their request or summons from any two of them shalbe accounted of equall force with the three mentoned in both the clauses of this Article, till there be an increase of majestrats there.

VI. It is also agreed that for the manning and concluding of all affairs proper and concerneing the whole Confederacon, two Commissioners shalbe chosen by and out of eich of these foure Jurisdiccions, namely, two for the Massachusetts, two for Plymouth, two for Connectacutt and two for New Haven; being all in Church fellowship with us, which shall bring full power from their seuerall generall Courts respectively to heare, examine, weigh and determine all affaires of our warr or peace, leagues, ayds, charges and numbers of men for warr, division of spoyles and whatsoever is gotten by conquest, receiueing of more Confederats for plantacons into combinacon with any of the Confederates, and all things of like nature which are the proper concomitants or consequence of such a confederacon, for amytye, offence and defence, not intermeddleing with the gouernment of any of the Jurisdiccions which by the third Article is preserved entirely to themselves. But if these eight Commissioners, when they meete, shall not all agree, yet it is concluded that any six of the eight agreeing shall have power to settle and determine the business in question: But if six do agree, that then such proposicons with their reasons, so farr as they have bene debated, be sent and referred to the four generall Courts, vizt. the Massachusetts, Plymouth, Connectacutt, and New Haven: And if at all the said General Courts the businesse so referred be concluded, then to bee prosecuted by the Confederates and all their members. It is further agreed that these eight Commissioners shall meete once every year, besides extraordinary meetings (according to the fift Article) to consider, treat and conclude of all affaires belonging to this Confederacon, which meeting shall ever by the first Thurs-

day in September. And that the next meeting after the date of these presents, which shalbe accounted the second meeting, shalbe at Bostone in the Massachusetts, the third at Hartford, the fourth at New Haven, the fift at Plymouth, the sixth and seaventh at Bostone. And then Hartford, New Haven and Plymouth, and so in course successiue, if in the mean tyme some middle place be not found out and agreed on which may be commodious for all the jurisdiccions.

VII. It is further agreed that at eich meeting of these eight Comissioners, whether ordinary or extraordinary, they, or six of them agreeing, as before, may choose their President out of themselves, whose office and worke shalbe to take care and direct for order and a comely carrying on of all proceedings in the present meeting. But he shalbe invested with no such power or respect as by which he shall hinder the propounding or progresse of any business, or any way cast the Scales, otherwise then in the precedent Article is agreed.

VIII. It is also agreed that the Commissioners for this Confederacon hereafter at their meetings, whether ordinary or extraordinary, as they may have commission or oportunitie, do endeavour to frame and establish agreements and orders in generall cases of a civil nature wherein all the plantacons are interested for preserving peace among themselves, and preventing as much as may bee all occasions of warr or difference with others, as about the free and speedy passage of Justice in every Jurisdiccon, to all the Confederates equally as their owne, receiving those that remove from one plantacon to another without due certefycats; how all the Jurisdiccions may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaccon, lest warr break in vpon the Confederates through such miscarriage. It is also agreed that if any servant runn away from his master into any other of these confederated Jurisdiccions, That in such Case, vpon the Certyficate of one Majistrate in the Jurisdiccon out of which the said servant fled, or vpon other due prooffe, the said servant shalbe deliuered either to his Master or any other that pursues and brings such Certificate of prooffe. And that vpon the escape of any prisoner whatsoever or fugitiue for any criminal cause, whether breaking prison or getting from the officer or otherwise escaping, vpon the certificate of two Majistrats of the Jurisdiccon out of which the escape is made that he was a prisoner or such an offender at the tyme of the escape. The Majestrates or some of them of that Jurisdiccon where for the

present the said prisoner or fugitive abideth shall forthwith graunt such a warrant as the case will beare for the apprehending of any such person, and the delivery of him into the hands of the officer or other person that pursues him. And if there be help required for the safe returning of any such offender, then it shalbe graunted to him that craves the same, he paying the charges thereof.

IX. And for that the justest warrs may be of dangerous consequence, especially to the smaler plantacons in these vnited Colonies, It is agreed that neither the Massachusetts, Plymouth, Connecticut nor New Haven, nor any of the members of any of them shall at any tyme hereafter begin, undertake, or engage themselues or this Confederacon, or any part thereof in any warr whatsoever (sudden exegents with the necessary consequents thereof excepted, which are also to be moderated as much as the case will permit) without the consent and agreement of the forenamed eight Commissioners, or at least six of them, as in the sixt Article is provided: And that no charge be required of any of the Confederats in case of a defensiu warr till the said Commissioners haue mett and approued the justice of the warr, and have agreed vpon the sum of money to be leyed, which sum is then to be payd by the severall Confederates in proporecon according to the fourth Article.

X. That in extraordinary occations when meetings are summoned by three Majistrats of any Jurisdiccon, or two as in the fift Article, If any of the Commissioners come not, due warneing being given or sent, It is agreed that foure of the Commissioners shall have power to direct a warr which cannot be delayed and to send for due proporcons of men out of eich Jurisdiccon, as well as six might doe if all mett; but not less than six shall determine the justice of the warr or allow the demaunde of bills of charges or cause any levies to be made for the same.

XI. It is further agreed that if any of the Confederates shall hereafter break any of these present Articles, or be any other wayes injurious to any one of thother Jurisdiccions, such breach of Agreement, or injurie, shalbe duly considered and ordered by the Commissioners for thother Jurisdiccions, that both peace and this present Confederacon may be entirely preserued without violation.

XII. Lastly, this perpetuall Confederacon and the several Articles and Agreements thereof being

read and seriously considered, both by the Generall Court for the Massachusetts, and by the Commissioners for Plymouth, Connecticut and New Haven, were fully allowed and confirmed by three of the forenamed Confederates, namely, the Massachusetts, Connecticut and New-Haven, Onely the Commissioners for Plymouth, having no Commission to conclude, desired respite till they might advise with their Generall Court, wherevpon it was agreed and concluded by the said court of the Massachusetts, and the Commissioners for the other two Confederates, That if Plymouth Consent, then the whole treaty as it stands in these present articles is and shall continue firme and stable without alteracon: But if Plymouth come not in, yet the other three Confederates doe by these presents confirme the whole Confederacon and all the Articles thereof, onely, in September next, when the second meeting of the Commissioners is to be at Bostone, new consideracon may be taken for the sixt Article, which concernes number of Commissioners for meeting and concluding the affaires of this Confederacon to the satisfaction of the court of Massachusetts, and the Commissioners for thother two Confederates, but the rest to stand vnquestioned.

In testimony whereof, the Generall Court of the Massachusetts by their Secretary, and the Commissioners for Connecticut and New-Haven haue subscribed these presente articles, this sixt of the third month, commonly called May, Anno Domini, 1643.

At a metting of the Commissioners for the Confederacon, held at Boston, the Seaventh of September. It appeareing that the General Court of New Plymouth, and the severall Towneships thereof have read, considered and approued these articles of Confederacon, as appeareth by Commission from their Generall Court beareing Date the xxixth of August, 1643, to Mr. Edward Winslowe and Mr. Will Collyer, to ratifye and confirme the same on their behalf, wee therefore, the Commissioners for the Massachusetts, Connecticut and New Haven, doe also for our seuerall Gouvernements, subscribe vnto them.

John Winthrop, Governor of Massachusetts,
Tho. Dudley,
Theoph. Eaton,
Geo. Fenwick,
Edwa. Hopkins,
Thomas Gregson.

CHAPTER XI.

1660-1689.

NEW ENGLAND UNDER CHARLES II. AND JAMES II.

Restoration of Charles II. to the throne — Course of the colonists regarding Whalley and Goffe — The Declaration of Rights — Diversity of opinion as to the course to be pursued — Norton and Bradstreet sent to England — Consequence of the Restoration in England — Success of the Massachusetts commission — Connecticut, Rhode Island and Plymouth submit to the authority of Charles II. — Winthrop secures a charter for Connecticut — Clark secures a charter for Rhode Island — Provisions of the charter — Boundary between the two colonies agreed upon — Massachusetts unwilling to submit to commissioners sent to receive submission — Various actions of the commissioners — Commissioners recalled — Their report — Progress of the colony — King Philip's War — Distress caused by the war — New Hampshire becomes a separate colony — Massachusetts buys claim to Maine — Randolph appointed collector of customs — Colonists resist and send agents to England — Charter forfeited — Andros appointed governor — His attempt to force surrender of Connecticut charter — The charter oak — James II. dethroned — William of Orange proclaimed king — Massachusetts sends representatives to England. — Appendix to Chapter XI. — I. Charter of Connecticut. II. Charter of Rhode Island and Providence Plantations.

The restoration in England, which led to the restoration of Charles II. to the throne, caused the New England colonists much anxiety.* The vessel which brought the news of the restoration to Boston in July, 1660, also brought two of the regicide judges, Edward Whalley and William Goffe, who had fled to New England to escape the royal vengeance. Both men were well received by Endicott, the governor, and through his connivance, and that of the colonists, they were able to live without the necessity of disguise or concealment.†

When the news of the restoration had been confirmed by later arrivals,

an apologetic address to the king was adopted by the General Court in which the colonists prayed that their civil and religious rights might be preserved, and in which they also made excuse for the capital punishment inflicted upon the Quakers, and other proceedings of a like nature.* The king answered promptly and favorably. In March, 1661, however, a royal order for the arrest of Whalley and Goffe was sent to the colony,† which was followed in May by a peremptory order to send them to England.‡ But these men had retired to New Haven, and probably because the authorities did not intend to bring them to punishment they

* On the condition of affairs leading up to this, see the chapter on the "Fall and Restoration of the Stuarts" in Bancroft, vol. i., pp. 325-345.

† Trumbull, *History of Connecticut*, vol. i., pp. 199-200 (1898 reprint).

* *Massachusetts Records*, vol. iv., pt. i., pp. 450-454.

† *Ibid.*, vol. iv., pt. ii., p. 26.

‡ *Publications of the Massachusetts Historical Society*, series iii., vol. ii., p. 123.

were never apprehended.* In order to show their loyalty, however, the Massachusetts authorities condemned Eliot's *Christian Commonwealth*, which he had drawn up for the converted Indians, and had incautiously published in England. Eliot himself also recanted the anti-monarchical principles contained in his book.†

It was evident, however, that a struggle was approaching, and the New England leaders felt that they must rely on their own energies. Their first measure was to draw up and publish a declaration of their rights, which were defined to be "the power to choose their own governor, deputy governor, magistrates, and representatives; to prescribe terms for the admission of additional freemen; to set up all sorts of officers, superior and inferior, with such powers and duties as they might appoint; to exercise, by their annually-elected magistrates and deputies, all authority, legislative, executive, and judicial; to defend themselves by force of arms against every aggression; and to reject any and every in-

terposition which they might judge prejudicial to the colony."*

Charles was not formally proclaimed until more than a year had passed, but all demonstrations usual on such occasions were strictly forbidden, under the ingenious but rather queer pretence that rejoicing was contrary to the orders issued by the king himself.

The enemies of the colonists in England were not the only ones against whom the colonists had to defend themselves, as there were many active opponents of the ruling party at home. Those who favored liberal measures, such as Episcopalians, Baptists, and others, who had been excluded from sharing in the government, had largely increased, and now began to encourage a relaxation of the unjust restrictions against them. There was also a difference of opinion among the theocratic freemen. While the greater part of them adhered to their original principles, large numbers of them found these principles too rigorous, and a "half-way covenant" had been adopted, by which those who strictly conformed to the established worship, but without professing themselves regenerate or elect, were admitted to the civil prerogatives of church membership. There was also a considerable body

* Hutchinson, *History of Massachusetts* (1764-7); Styles, *History of Three of the Judges of Charles I.*; Noble, *Lives of the Regicides*; *Massachusetts Historical Collections*, series iv., vol. viii., pp. 122-225; Doyle, *English Colonies in America*, vol. iii., pp. 117-120; Fiske, *Beginnings of New England*, pp. 192-194; Bancroft, vol. i., pp. 346-347; Johnston, *Connecticut*, pp. 163-165; Trumbull, *History of Connecticut*, vol. i., p. 200 *et seq.* (1898 reprint).

† Doyle, vol. iii., p. 132; Palfrey, *History of New England*, vol. ii., pp. 21-28.

* Palfrey, *History of New England*, vol. ii., pp. 28-29; Bancroft, vol. i., p. 367 *et seq.* For a general review of this declaration see Doyle, *English Colonies in America*, vol. iii., pp. 130-136.

who thought it wise not to risk the loss of everything by refusing to make reasonable concessions. But the majority firmly resolved to remain independent of English supremacy, whatever might be the issue. To avert, if possible, the necessity of recourse to armed resistance, the colonists sent over two confidential envoys, John Norton and Simon Bradstreet, to acquaint the English ministry with conditions in the colony, and at the same time to deprecate any endeavors to interfere, or if it came to the worst, to disclaim the authority of the ministry over the government of the colony.* The mission was by no means without hazard, under the circumstances, for when Norton and Bradstreet arrived in England, they found that various changes had taken place, which boded no good for the New England colonies.†

The Restoration had been welcomed in England. Charles II. had promised every thing, but his promises were soon forgotten. A reaction had set in against those parties which had been concerned in the overturning of the monarchy, which condition of affairs tended to strengthen the prerogative of the king, and to abet the arbitrary proceedings of his advisers. The Church of England was again in the ascendant, the Act of Uniformity had been passed, and

Presbyterians and Independents were compelled to submit. A number of regicides were arrested and executed without trial, and some were hung, drawn and quartered. Among those executed were Hugh Peters, father-in-law of the younger Winthrop, and formerly minister of Salem; and Sir Henry Vane, the latter being probably the most illustrious victim who was conducted to the block.* He had always been a friend of New England, though he was opposed to the intolerance of the Massachusetts theocracy, and it was through his influence that a charter was obtained from the Long Parliament for Rhode Island.

Because of the unsettled conditions in England, the Massachusetts commissioners were only partially successful in their object. The confirmation of the charter was given, as well as conditional amnesty for all recent offences; but the king, firmly insisting upon the maintenance of his prerogative, demanded the repeal of all laws derogatory to his authority, the imposition of an oath of allegiance, and the administration of justice in his own name. He required also complete tolerance for the Church of England, and the repeal of all laws granting the privilege of voting to church members alone, with the concession of the franchise to every inhabitant possessing a certain amount of property. On the other hand, the

* Bancroft, vol. i., pp. 348-350.
p. 31 *et seq.*

† Hildreth, vol. i., pp. 451-452.

‡ Bancroft, vol. i., pp. 348-350.

king granted one of the requests of the Massachusetts council, in that he allowed them to punish the Quakers in any way they might deem just.*

The authority of Charles II. had been acknowledged more promptly by Connecticut† and Rhode Island‡ than by Massachusetts. Plymouth also submitted in 1661, the General Court of that colony on June 5 passing a motion to that effect. New Haven did not acknowledge the king until August, and then only because they considered delay would be inexpedient. Connecticut and Rhode Island then sent representatives to England to secure charters. Their arrival was timely. Winthrop the younger, acting for Connecticut,|| and John Clarke for Rhode Island were the representatives sent by these colonies. Winthrop, being a man of high standing and well known as a scholar, easily secured influential friends at court§ and it is said that he possessed a valuable ring, which had been given by Charles I. to his grandfather and which he presented to the king. This is said to have materially influenced the king in his favor, and on April 23,

1662, he obtained the patent which granted the most ample privileges and confirmed all lands which had been previously granted to the Earl of Warwick, to the freemen of the Connecticut colony, and such as should be admitted freemen.* These lands had previously been transferred by the Earl of Warwick to Lord Saye and Sele and his associates. The form of government which was established by this charter over the colony was of the most popular kind, and continued as the fundamental law of Connecticut for a space of 156 years.† A writer in the *North American Review*, says that, "although it was granted at a period of the world when the rights of the people were little understood and little regarded, and by a sovereign who governed England with a more arbitrary sway than any of his successors, the form of government established by this charter was of a more popular description, and placed all power within the more immediate reach of the people, than the constitution for which it has been deliberately exchanged, in these modern days of popular jealousy and republican freedom." The new charter included New Haven in the colony, but

* Doyle, *English Colonies in America*, vol. iii., pp. 136-138; Palfrey, *History of New England*, vol. ii., pp. 33-34; Hildreth, vol. i., p. 453; Bancroft, vol. i., pp. 370-371.

† *Connecticut Records*, vol. i., p. 582; Johnston, *Connecticut*, pp. 166-167.

‡ *Rhode Island Records*, vol. i., p. 432.

|| *Connecticut Records*, vol. i., pp. 346-347, 361, 368, 369, 579, 582.

§ For the petition for charter privileges see Trumbull, *History of Connecticut*, vol. i., pp. 438-439 (1898 reprint).

* The text will be found in Thorpe, *Federal and State Constitutions*, vol. i., pp. 529-536. See also Appendix I at the end of the present chapter.

† Johnston, *Connecticut*, pp. 168-173; Trumbull, *History of Connecticut*, vol. i., p. 205; Bancroft, vol. i., pp. 356-362; Hurlburt, *Britain and Her Colonies*, pp. 21-22; Osgood, *American Colonies*, vol. i., p. 326 et seq.

for several years afterward the inhabitants of New Haven refused to consent to the union, and it was not until 1665, when it was feared that a general governor would be appointed and that they would be united to some other colony with a charter that was less favorable to liberty, that they finally yielded a reluctant assent.*

Clarke, the agent for Rhode Island, having secured the favor of Lord Clarendon, the prime minister, was successful in securing a charter for Rhode Island on July 8, 1663.† The charter differed but little from that of Connecticut; the people could elect officers and make laws, provided such laws were "not contrary and repugnant unto, but as near as may be, agreeable to the laws of this, our realm of England, considering the nature and constitution of the place and the people there." There were to be a governor, deputy-governor and ten assistants, together with a

secretary and treasurer to be chosen annually by the "greater part of the freemen." All of the general officers were liable to impeachment. The "General Assembly" was to consist of the governor, deputy-governor, assistants, and deputies elected semi-annually by the towns.* In addition, the charter contained the special provision that "no person within the said colony shall be molested, punished, disquieted, or called in question, for any difference of opinion in matters of religion, who does not actually disturb the civil peace; but that all persons may, at all times, freely enjoy their own consciences in matters of religious concernment, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness and profaneness, nor to the civil injury and outward disturbance of others." A large part of the Providence Plantation had been included in the charter of Connecticut, and a dispute arose as to the limits of the two colonies. Clarke and Winthrop, therefore, entered into an agreement, fixing the Pawcatuck as the limit between the two colonies.† This agreement, as Hildreth says, was specially set forth in the charter of Rhode Island and Providence Plantations. Freedom and toleration

* *New Haven Records*, vol. ii., p. 467 *et seq.*; *Connecticut Records*, vol. i., p. 396 *et seq.*; Johnston, *Connecticut*, p. 175 *et seq.*; Trumbull, *History of Connecticut*, vol. i., p. 208 *et seq.*, and for some of the correspondence, pp. 442-448, 452-456; Doyle, *English Colonies in America*, vol. iii., pp. 121-125; Palfrey, *History of New England*, vol. ii., pp. 39-48; Osgood, *American Colonies*, vol. i., pp. 329-331; Hildreth, vol. i., pp. 459-461.

† Winsor, *Narrative and Critical History*, vol. iii., p. 338. This charter continued in effect as the constitution of Rhode Island until 1842, or for a period of 179 years. Bancroft, vol. i., pp. 362-365; Fiske, *Beginnings of New England*, pp. 196, 268, 274; Hurlburt, *Britain and Her Colonies*, pp. 21-22; Richman, *Rhode Island*, p. 44 *et seq.* For text see Thorpe, *Federal and State Constitutions*, vol. vi., pp. 3211-3222. and Appendix II at the end of the present chapter.

* Bates, *Rhode Island and the Formation of the Union*, p. 19.

† Richman, *Rhode Island*, pp. 48-49; Doyle, *English Colonies in America*, vol. iii., pp. 127-130; Palfrey, *History of New England*, vol. ii., pp. 48-54; Osgood, *American Colonies*, vol. i., pp. 366-370.

in religious matters had beyond doubt been the principal object of the founders of Rhode Island. "Yet how difficult it is to act up to a principle in the face of prevailing prejudice and opposing example. The Rhode Island laws, as first printed, many years posterior to the charter, contain an express exclusion from the privileges of freedom of Roman Catholics, and of all persons not professing Christianity. These laws had undergone repeated revisals, and it is now impossible to tell when these restrictions were first introduced, though probably not until after the English revolution in 1688."*

While cause for rejoicing was to be found in the charters conferred upon Connecticut and Rhode Island, Massachusetts remained uneasy and was not willing to submit. The answer of that colony to the king's requisitions was couched in respectful but evasive language. "For the repealing of all laws here established since the late changes contrary and derogatory to his majesty's authority, we, having considered thereof, are not conscious to any of that tendency; concerning the oath of allegiance, we are ready to attend to it as formerly, according to the charter; concerning liberty to use the Common Prayer Book, none as yet among us have appeared to desire it; touching administration of the sacraments,

* Hildreth, *History of the United States*, vol. i., p. 459; *Acts and Laws of Rhode Island*, 1719, p. 3.

this matter hath been under consideration of a synod, orderly called, the result, whereof our last General Court commended to the several congregations, and we hope will have a tendency to general satisfaction." This reply, however, gave but little satisfaction to the home authorities; and as fresh complaints against the government of Massachusetts continued to be received, in 1662, and again in 1664, the king declared his intention of sending commissioners to the colony, giving them authority to inquire into and decide upon the matters in dispute.*

Richard Nicolls, Sir Robert Carr, George Cartwright, and Samuel Maverick were appointed commissioners and arrived in Boston July 23, 1664, prepared to enter upon their work. While the leaders of Massachusetts were well aware of the vast importance of the contest, and while they never failed in profuse professions of loyalty, they nevertheless met the commissioners with determined opposition and never at any time yielded to their demands, considering that these demands were violations of their rights under the charter granted them by the king.† The commissioners held their first

* Palfrey, *History of New England*, vol. ii., pp. 55-58.

† For the instructions of these commissioners and the manner in which Massachusetts received them, see Palfrey, vol. ii., pp. 60-63. Trumbull, in his *History of Connecticut*, vol. i., pp. 448-450, gives the king's commission and the letter to Connecticut that accompanied it.

session at Plymouth, but transacted little business.* They then went to Rhode Island, where they heard complaints from the Indians and such as were discontented, and made several decisions respecting titles to lands, which were but little regarded.† The General Court of Massachusetts complied with such of their requests as they thought proper, but declined to acknowledge the authority of the commissioners. Although they expressed sincere loyalty to his majesty, they protested against the actions of the commissioners within their limits, and as a result, an angry correspondence took place between the General Court and the commissioners, at the end of which the latter informed the General Court that they would waste no more time upon the colony, but would report their actions to the king.‡ The commissioners then went to New Hampshire, where they exercised their authority and also offered to release the inhabitants from the jurisdiction of Massachusetts. This offer was almost unanimously declined. Going to Maine, the commissioners created more disturbance and encouraged the people to declare themselves independent, and found many willing to listen to

their suggestions. But Massachusetts asserted her authority over Maine, and succeeded in reducing the disaffected to submission.* Connecticut, however, treated the commissioners with every mark of respect and complied with all their requisitions, presenting them with 500 bushels of corn.† In return, the commissioners reported their conduct to the king, contrasting very favorably with that of the other colonies. The king then sent over a letter of thanks, in which he said: "Although your carriage doth of itself most justly deserve our praise and approbation, yet it seems to be set off with more lustre by the contrary behavior of the colony of Massachusetts."

The commissioners made a report to the king in 1666, regarding the reception accorded them by the various colonies, which resulted in the issuance of an order that Richard Bellingham, the governor, and some others, should proceed to England to answer to his majesty for their defiance of the commissioners. For a time those thus summoned debated as to whether or not they should obey, but those who advocated obedience without really giving up the points at issue, prevailed. Furthermore, they were able to put off immediate danger by sending a supply of provisions for the fleet in the West Indies, and also a

* *Plymouth Records*, vol. iv., p. 80 et seq.

† Hildreth, vol. i., p. 456; Richman, *Rhode Island*, pp. 49-50.

‡ *Massachusetts Records*, vol. iv., pt. ii., p. 119 et seq. See also Frothingham, *Rise of the Republic*, p. 51 et seq.; Bancroft, vol. i., pp. 372-378; Brooks Adams, *The Emancipation of Massachusetts*, pp. 190-191, 193-194.

* Bancroft, pp. 378-379, 380.

† Trumbull, *History of Connecticut*, vol. i., p. 226.

present of masts for the English navy, both of which were most timely and acceptable.* The king thereupon suspended his design upon the liberty of the colonies, the commissioners were recalled, and as the great plague and the fire in London occurred about this time, the authorities in New England were allowed to remain undisturbed in their rights and privileges.†

In their report, the royal commissioners gave a short account of the conditions existing in New England at this time which is worthy of attention even though its facts may not have been absolutely trustworthy. In Connecticut were "many scattering towns, not worthy of their names, and a scholar to [for] their minister in every town or village." In Rhode Island were "the best English grass and most sheep, the ground very fruitful, ewes bringing ordinarily two lambs, corn yielding eighty for one, and in some places they had had corn twenty-six years together without manuring. In this province only they had not any place set apart for the worship of God; there being so many subdivided sects, they could not agree to meet together in one place, but, according to their several judgments, they sometimes associated in one house, sometimes in another."

* *Massachusetts Records*, vol. iv., pt. ii., p. 327.

† Doyle, *English Colonies in America*, vol. iii., pp. 149-152; Palfrey, *History of New England*, vol. ii., pp. 64-81; Hildreth, vol. i., p. 469 *et seq.*

In Plymouth there were "about twelve small towns, one saw-mill for boards, one bloomary for iron, neither good river, nor good harbor, nor any place of strength; they were so poor they were not able to maintain scholars to [for] their ministers, but were necessitated to make use of a gifted brother in some places." The Massachusetts commodities consisted chiefly of "fish, which was sent into France, Spain, and the Straits, pipe staves, masts, fir boards, some pitch and tar, pork, beef, horses, and corn, which they sent to Virginia, Barbadoes, etc., and took tobacco and sugar for payment, which they often sent for England. There was a good store of iron made in this province." In the towns along the Piscataqua were "excellent masts gotten, * * * and upon the river above twenty saw-mills, and there were great store of pipe-staves made, and great store of timber spoiled." In Maine there were "few towns, and those much scattered: * * * They were rather farms than towns." In the Duke of York's province of Cornwall, situated beyond the Kennebec, were "three small plantations, the biggest of which had not above thirty houses in it, and those very mean ones too, and spread over eight miles at least. Those people for the most part were fishermen, and never had any government among them; most of them were such as had fled hither from other places to avoid justice." Boston contained houses that were "gener-

ally wooden, the streets crooked, with little decency and no uniformity; and there neither months, days, seasons of the year, churches nor inns were known by their English names. At Cambridge, they had a wooden college * * * [which] might afford as many schismatics to the Church, and the corporation as many rebels to the king, as formerly they had done, if not timely prevented."

At the end of a half century from the time when the Pilgrims arrived at Plymouth, the New England colonies were supposed to contain 120 towns, and approximately 60,000 inhabitants. The trade of the colonies had become both extensive and profitable, as the acts of Parliament were not rigidly enforced. The inhabitants were industrious and economizing, and there were scarcely any who did not have a competency; there were even a large number who were wealthy. The colonists gradually pushed the frontier line into the interior, driving back the Indians from their favorite haunts further and further to the west. In addition, large tracts of land had been sold to the whites by the Indians, but the latter could not foresee that the westward extension would soon drive them entirely out of their strongholds. When they felt the invasion of the whites in all its force, the passion of the Indians was aroused to seek revenge, only awaiting the arrival of a leader to direct their exertions in the undertaking. Such a leader was found in

Metacomet of Pokanoket (whom the English called King Philip). He was sachem of the Wampanoags, a tribe living within the boundaries of Plymouth and Rhode Island. His father, Massasoit, as previously related, had always been friendly to the whites, but Philip had been embittered against them because of their conduct toward his elder brother, Alexander. The colonists had suspected Alexander of being connected with a plot to exterminate them, and he was therefore seized by a detachment of soldiers and imprisoned, which treatment so wrought upon his proud spirit that it produced a fever which ended his life.* Philip therefore determined to avenge his death, and exerted all his power to induce the Indians throughout New England to unite for the destruction of the whites. He was successful in forming a confederacy that could send into action between 3,000 and 4,000 warriors.†

In 1675 the struggle commenced, though sooner than had been intended by Philip. John Sausamon, an In-

* This is Hubbard's view (*Present State of New England*, p. 10). John Cotton in a letter to Increase Mather in 1677 says that Alexander went willingly and peaceably, giving Major Bradford, the commander of the soldiers, as his authority (*Massachusetts Historical Collections*, series iv., vol. viii., p. 233).

† *Plymouth Narrative of the Beginnings of the War*, *Plymouth Records*, vol. x.; Hubbard, *History of the Troubles with the Indians*; Increase Mather, *Relation of the Troubles in New England by Reason of the Indians*; De Forest, *History of the Indians of Connecticut*.

dian convert, was killed because he had informed the governor of Plymouth of the war preparations.* Philip was now in open defiance of the colonists because of this act, and he was compelled to choose between absolute submission or of persisting in his endeavors to carry out the plan he had conceived. He chose the latter course, and soon began to plunder the houses nearest his home, Mount Hope. On June 20, 1675, he attacked Swanzev and killed a number of the inhabitants.† The colonial authorities then sent a body of troops to Swanzev, where they were soon joined by a detachment from Massachusetts, but the Indians fled before the troops arrived and marked their course of flight by burning the dwellings of the colonists and fixing on poles by the wayside the scalps, heads, and hands of the whites whom they had murdered. Though the troops pursued the Indians for a long distance, they were unable to overtake them and therefore returned to Swanzev. The whole country was now alarmed, and the number of troops was greatly augmented. These warlike preparations persuaded Philip that it was best to abandon his residence at Mount Hope and to take post near a swamp at Pocasset. There he was attacked by the English, but suc-

ceeded in repulsing them and killing sixteen.*

The colony was now seized with panic, and all sorts of terrible fates were pictured in the imagination of the settlers.† The border settlers fled for security to the towns, where they spread abroad fearful accounts of Indian atrocities. The whole frontier of Connecticut, Massachusetts and New Hampshire was exposed to depredations by the Indians. Many of the colonists were shot dead when they opened their doors in the morning; and numbers were killed while in the fields, or while travelling to and from places of public worship. Being unable to cultivate the fields, the settlements were exposed to famine, while such convoys of provisions as were sent to their assistance were waylaid and seized, and their escorts cut off in ambush. Such was the fate of Lathrop at the place within the township of Deerfield which still retains the name of "Bloody Brook."‡

According to Hutchinson, while the people of Hadley were at divine service, the Indians suddenly burst in upon the village and threw the whole body of colonists into panic and confusion, when a man of venerable aspect appeared and formed them into military order and led the attack

* Hubbard, *Present State of New England*, pp. 14-16; *Plymouth Records*, vol. v., p. 167; Trumbull, *History of Connecticut*, vol. i., p. 273.

† Palfrey, *History of New England*, vol. ii., pp. 122-130.

* Hitchcock, *Decisive Battles of America*, pp. 46-47.

† Bancroft, vol. i., p. 388.

‡ Sheldon, *History of Deerfield*; Bancroft, vol. i., pp. 389-390; Hitchcock, *Decisive Battles*, pp. 48-49.

that finally routed the Indians. After having saved the village, the old man quickly disappeared as marvellously as he had come, so that the grateful inhabitants were unable to reward him for preserving them. It is supposed that this was Goffe, the regicide, who, because of the vigilant search made for him by order of the English government, had been compelled to fly from place to place, and happening to be in the vicinity at the time, had discovered the designs of the Indians and hurried to aid the frightened colonists.*

The Indians carried on their harassing and destructive warfare with impunity throughout the whole summer, as they had the advantage of being able to conceal themselves in the woods and forests, but when winter came, the forests became more open and a force of 1,000 men was raised by the colonists to strike a decisive blow. Josiah Winslow, of Plymouth, was appointed commander-in-chief,† and on the 18th of December, after a long march through the snow, the troops approached the stronghold of the tribe. The Indians had intrenched themselves on a piece of rising ground in the midst of a swamp, surrounded by a palisade, and as the English advanced to the

charge, they were shot down. But the desperate determination of the colonists ultimately won the victory, and after a struggle which was protracted for two hours, they finally succeeded in gaining the Indian fort. Excited to the highest pitch by thoughts of revenge, the colonists granted no mercy. The fort was fired and hundreds of Indians perished in the flames. Those who escaped from the fire and sword were compelled to wander through the forest, only to perish with cold and hunger, as their clothing and provisions had been entirely consumed in the conflagration. This was undoubtedly one of the most desperate and most decisive battles recorded in the early colonial annals. In it more than 1,000 warriors were killed, and about 300 more and as many women and children were made prisoners, with a loss to the colonial forces of 6 officers and 70 men killed and 150 men wounded.* The remaining Indians, however, now being desperate, vented their fury upon all who fell into their hands; but their power was broken, and they soon began to drop from sight, only the leaders, Philip and Canonchet, sachem of the Narragansetts, refusing to yield. The latter was captured by an English party of volunteers

* Judd, *History of Hadley*; Fiske, *Beginnings of New England*, pp. 217-218 and footnote concerning the truth of the statements regarding Goffe. Palfrey, *History of New England*, vol. ii., pp. 130-144 gives details of the various Indian attacks.

† Hitchcock, *Decisive Battles*, pp. 51-52.

* Hubbard, *Present State of New England*, pp. 50-56; Benjamin Church, *Entertaining Passages relating to Philip's War*, pp. 52-59 (ed. by Dexter, 1865); Palfrey, vol. ii., pp. 44-150; Hitchcock, *Decisive Battles*, pp. 52-53.

under Captain George Dennison, and as his perfidy in respect to the treaties with the colonists was considered to have forfeited all claim to mercy, he was taken to Stonington and there put to death by the native allies of the English. Philip, the instigator of the war, wandered from tribe to tribe, gaining little sympathy anywhere, and receiving only reproaches for the misery he had brought upon his fellow tribesmen. He finally returned to his old haunts and on July 31, 1676, was attacked by the colonists, who carried off his wife and child as captives. Philip was afterward shot (August 12, 1676) by an Indian who had deserted to the English. His child was sent to Bermuda, and sold into slavery.*

The colonists suffered greatly from the war and Indian depredations, for more than 1,000 houses had been

burned and the loss in goods and cattle was enormous. Palfrey says: "The amount of distress that was endured cannot be set forth by a mere inventory of murders and pillages, of massacres and conflagrations, even could such a list be made complete. But a partial statement of that kind affords some basis for a conception of the awful reality. In Plymouth and Massachusetts there were eighty or ninety towns. Of these ten or twelve were wholly destroyed and forty others were more or less damaged by fire, making together nearly two-thirds of the whole number. Five or six hundred of the men of military age, one in every ten or twelve of the whole, were stealthily murdered, or fell in battle, or becoming prisoners, were lost sight of forever, an unknown number being put to death with horrible tortures. There was scarcely an English family in these two colonies that was not in mourning."* Beside the loss in men and in houses, cattle, produce, etc., the colonies had also contracted a heavy debt, to lighten which, however, they forbore to apply to the mother country. The debt of New Plymouth amounted to £3,700, but though the colonists paid this, the colony never recovered from the shock of the war and remained in a dormant state until absorbed by Massachusetts.

* S. L. Bailey, *History of Andover, Mass.*, chap. ii.; Church, pp. 37-45; Doyle, *English Colonies in America*, vol. iii., pp. 155-189; Mather, *Brief History of the War* (ed. by Drake, 1862); Drake, *Old Indian Chronicle* (1836); Gookin, *Account of the Doings and Sufferings of the Christian Indians in New England* in 1675, 1676, in 1677, in vol. ii., of the *Archæologia Americana*; Gookin's *Historical Collections of the Indians in New England*, in series i., vol. i., of the *Massachusetts Historical Collections*; Fiske, *Beginnings of New England*, pp. 199-241; Bancroft, vol. i., pp. 382-394; Hildreth, vol. i., p. 476 *et seq.*; Mrs. Rowlandson's *True History* (1682); Palfrey, vol. ii., pp. 151-189; Bodge, *Soldiers of King Philip's War*; Osgood, *American Colonies*, vol. i., pp. 527-578; Temple, *History of North Brookfield*; Wheeler's *True Narrative*, etc., in *New Hampshire Historical Collections*, vol. ii.; Temple and Sheldon, *History of Northfield*; Morris, *Springfield*; Hough, *Pemaquid Papers*; Williamson, *History of Maine*, vol. i.

* Palfrey, *History of New England*, vol. ii., pp. 181-182 (copyright by Houghton, Mifflin & Co.)

In 1679, at the solicitation of John Mason, to whose ancestor a part of the territory had been granted, New Hampshire was granted a constitution as a separate colony.* The freeholders were allowed to elect deputies each year to a General Assembly, which with the president and council were authorized to levy taxes and frame the laws. In Portsmouth there were at this time only 71 voters, in Dover 61, in Hampton 57, and in Exeter 20; the towns were represented by ten delegates with the exception of Exeter, which had only two. The first legislature met at Portsmouth, March 16, 1680, and after expressing regret at being separated from Massachusetts, framed a code of laws, set up courts of justice and organized a militia, which was placed under command of Major Richard Waldron.† John Cutt, a merchant of Portsmouth, was the first president. He was succeeded in 1682 by Edward Cranfield, who by his conduct soon drove the people into insurrection and was compelled to flee to the West Indies.‡ In 1686 New Hampshire was again united to Massachusetts and for the next three years was under the Massachusetts governors, Dudley and Andros; but the revolution in England in 1689 resulted in the removal

of Andros, and New Hampshire was again free. From the spring of 1689 to the latter part of the winter of 1689-90, the New Hampshire towns governed themselves, but at the end of that period another union with Massachusetts was effected which continued for two years. In 1692 the provincial government was re-established by royal commission and until 1775 was administered by appointees of the crown.

Massachusetts at this time also apprehending the loss of Maine, which upon the restoration had been returned to the Gorges family, purchased of the heirs of Gorges, for the sum of \$6,250, all claim to the soil and jurisdiction.*

These facts and the fact that the colonists continued to evade the acts of trade, as being violations of the law, angered the home government, and in the spring of 1676 Edward Randolph was sent over with a letter from the king regarding the actions of the colonies. Upon his return, the colonists sent agents to England to make explanations, but without avail, and in January, 1680, Randolph again arrived at Boston with a commission as collector of the royal customs, empowered to enforce the acts of trade. Ignoring his commission, the colonists refused to allow

* Doyle, *English Colonies in America*, vol. iii., pp. 211-212.

† Bancroft, vol. i., p. 398.

‡ Palfrey, vol. ii., pp. 267-277; Bancroft, vol. i., pp. 399-401.

* The deed is in the *York Records* (Maine Historical Society, vol. i., p. 239). See also Bancroft, vol. i., p. 397; Fiske, *Beginnings of New England*, pp. 259-262, 275.

Randolph to act, and early in 1681 he was compelled to return to England. In February, 1682, however, he came back to the colony with a royal letter peremptorily demanding that agents be sent to England with full power to act for the colonies.* Resistance now became useless, although the colonial leaders did not flinch from opposing the royal authority. In February, 1682, the General Court sent Joseph Dudley and John Richards to England as its agents, but the Privy Council condemned their commission as insufficient, because they were prohibited from consenting to anything that would infringe the colonial privileges. The agents were ordered to secure full power to make regulations for the government of the colony, but such powers were refused by the colonial government.† The commissioners went so far even as to attempt bribery, to propitiate the king without yielding the point of their rights; but to no purpose. A *scire facias* was issued in England, and on October 23, 1684, the charter was declared to be forfeited.‡ Thus the rights and liberties of Massachusetts, which had been so long cher-

ished, lay at the mercy of Charles II., who had mapped out a severe punishment for the colony. He died, however, before any of these repressive measures could be put into effect.*

In May, 1686, a temporary government was established by James II., Joseph Dudley, son of the former governor, being appointed to the chief office in the colony.† The governmental authority was placed in the hands of the president (Dudley), a deputy president, and a council of sixteen, the authority of this government extending over Massachusetts, Maine, New Hampshire and the King's Province.‡ Dudley's administration was weak, and in June, 1686, Sir Edmund Andros was placed in authority by James II., Dudley, however, continuing to occupy the governor's office until the arrival of Andros which occurred December 19, 1686. Andros was fully prepared to forward the arbitrary and tyrannical designs of the king, and brought with him two companies of troops to enforce his authority. He was empowered to remove and appoint the members of the council at his pleasure, and with the consent of a body which was thus controlled, to levy taxes,

* Brooks Adams, *The Emancipation of Massachusetts*, pp. 198-210.

† Bancroft, vol. i., p. 403; Brooks Adams, *The Emancipation of Massachusetts*, pp. 211-215.

‡ For the history of the entire dispute see Hurlburt, *Britain and Her Colonies*, pp. 8-20; Fiske, *Beginnings of New England*, pp. 253-256, 265-266; Bancroft, vol. i., pp. 367-381, 395-407; Palfrey, *History of New England*, vol. ii., pp. 194-263.

* Doyle, *English Colonies in America*, vol. iii., pp. 190-229; *Massachusetts Records*, vol. iv., pt. ii., vol. v.; *Connecticut Records*, vol. ii.; *Rhode Island Records*, vol. ii.

† The only remaining fragment of Dudley's commission is printed in the *Massachusetts Historical Collection*, series i., vol. v., p. 244 and in the *Rhode Island Records*, vol. iii., p. 195.

‡ Hildreth, vol. ii., pp. 105-108.

make laws and call out the militia.* Dudley was then made chief justice, and Randolph was appointed colonial secretary. As in New York, the press was now entirely suppressed.

The same arbitrary exercise of power was brought to bear on Connecticut and Rhode Island, which were now also included in the commission of Andros. Rhode Island in June, 1686, sent an agent to England to make formal submission, even though there had been much dissension among the colonists regarding such an act.† Thus the task of establishing his authority over Rhode Island was easy for Andros, but it was far different in Connecticut. A writ of *quo warranto* had been issued against the charter of that colony, and in October, 1687, Andros went to Hartford and demanded that the charter be given him by the Assembly, which was then in session. "The Assembly," says Trumbull, "were extremely reluctant and slow with respect to any resolve to surrender the charter, or with respect to any motion to bring it forth. The tradition is, that Governor Treat strongly represented the great expense and hardships of

the colonists, in planting the country; the blood and treasure which they had expended in defending it, both against the savages and foreigners; to what hardships and dangers he himself had been exposed for that purpose; and that it was like giving up his life now to surrender the patent and privileges, so dearly bought and so long enjoyed. The important affair was debated and kept in suspense, until the evening, when the charter was brought and laid upon the table where the assembly were sitting. By this time, great numbers of people were assembled, and men sufficiently bold to enterprise whatever might be necessary or expedient. The lights were instantly extinguished, and one captain [Joseph] Wadsworth, of Hartford, in the most silent and secret manner, carried off the charter, and secreted it in a large hollow tree, fronting the house of the Honorable Samuel Wyllys, then one of the magistrates of the colony. The people appeared all peaceable and orderly. The candles were officiously relighted; but the patent was gone, and no discovery could be made of it, or of the person who had conveyed it away."*

* His commission is printed in the *Rhode Island Records*, vol. iii., p. 212. See also Doyle, vol. iii., pp. 234-236; Baneroff, vol. i., pp. 584-587.

† *Rhode Island Records*, vol. iii., p. 175 et seq.; Richman, *Rhode Island*, p. 59. The different memorials and protests sent to England are enumerated in Arnold's *History of Rhode Island*, vol. i., p. 496.

* *History of Connecticut*, vol. i., p. 313 (1898 reprint); but see also the account of this mystery by Albert C. Bates, librarian of the Connecticut Historical Society under the title, "Charter Oak" in the *Encyclopedia Americana*. Trumbull's unsupported evidence cannot be absolutely trustworthy, as there seems to be no contemporary authority for the details as given by him. See, however, Johnston, *Connecticut*, p. 201.

Nevertheless, Andros declared the charter forfeited and at the end of the records inscribed the word "finis." Plymouth, like Rhode Island, made little show of resistance.*

However, the arbitrary proceedings of Andros could not continue for any great length of time. James II. was conducting affairs in England in a manner which was rapidly bringing on a crisis and finally resulted in the Revolution of 1688 and his dethronement. The revolution not only completely changed affairs at home, but also in the colonial dependencies, and therefore Andros, upon the dethronement of the king in England, was without authority in America.† Early in April, 1689, news of the landing of William of Orange in England reached Boston, and aroused great excitement. Andros affected to disbelieve it and undertook to imprison those who had brought the information. Outraged by the high-handed measures of Andros, the spirit of the people was thoroughly aroused, and on April 18, the commander of the *Rose*, a frigate which the governor had in the harbor, was seized by a crowd of the citizens as he was stepping on shore. The sheriff, who endeavored to disperse

the mob, was similarly treated. The whole town was now in commotion. The militia gathered and formed under their old leaders; the ship's barge was intercepted, as it came to the rescue of Andros; and Andros was obliged to submit being then conducted to prison. It happened at this time that Simon Bradstreet, now eighty-seven years old, appeared upon the scene and was proclaimed governor by general acclamation. The inhabitants of the surrounding territory fully sustained the action of the Boston people and promised any assistance which might be necessary.* The news rapidly spread to Plymouth, where Thomas Hinckley, who had held the office of governor prior to the usurpation, was re-elected.† Similar uprisings took place in Rhode Island and Connecticut. The latter brought forth her charter from its hiding place and again elected Robert Treat governor.‡ In Rhode Island there was some difficulty in finding a man will-

* The details are given in Doyle, *English Colonies in America*, vol. iii., pp. 246-248.

† Fiske, *Beginnings of New England*, p. 267 et seq. For the entire period covered by the administration of Andros see Palfrey, *History of New England*, vol. ii., pp. 288-369; Hildreth, vol. ii., p. 109 et seq.

* Nathaniel Byfield, *An Account of the Late Revolution in New England*, reprinted in the *Andros Tracts*, vol. i.; A. B., *An Account of the Late Revolution in New England*, in the *Andros Tracts*, vol. ii.; the report made by Andros to the home government, in *Andros Tracts*, vol. iii.; a letter by Samuel Prince, quoted by Hutchinson, vol. i., pp. 374-377; Fiske, *Beginnings of New England*, p. 272 et seq.; Bancroft, vol. i., pp. 598-601; Palfrey, *History of New England*, vol. ii., p. 370 et seq.; Doyle, *English Colonies in America*, vol. iii., pp. 262-271; Hildreth, vol. ii., p. 113 et seq.

† Plymouth Records, vol. vi., pp. 206-211.

‡ Connecticut Records, vol. iii., p. 251; Johnston, *Connecticut*, pp. 203-204; Trumbull, *History of Connecticut*, vol. i., p. 317.

ing to assume this office, but finally Henry Bull, an energetic Quaker, was prevailed upon to accept the office.* Bull resigned in the summer of 1690, and the office was conferred upon Easton.† In Massachusetts the people were divided as to the wisdom of resuming the charter, the majority being in favor of it, while the Council of Safety considered it

inexpedient to commit themselves to the measure. It was thought best, therefore, to send additional agents to England in behalf of the colony, and to await further developments. Thomas Oates, Sir Henry Ashurt, and Elisha Cooke were then appointed to act with Increase Mather in England, in the interests of Massachusetts.*

APPENDIX TO CHAPTER XI.

I. CHARTER OF CONNECTICUT—1662.

CHARLES the Second, by the Grace of God, KING of England, Scotland, France, and Ireland, Defender of the Faith, &c. To all to whom these Presents shall come, Greeting.

Whereas by the several Navigations, Discoveries, and Successful Plantations of divers of Our loving Subjects of this Our Realm of England, several Lands, Islands, Places, Colonies, and Plantations have been obtained and settled in that Part of the Continent of America called New-England, and thereby the Trade and Commerce there, hath been of late Years much increased: And whereas We have been informed by the humble Petition of our Trusty and Well beloved John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Brewen, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfeild, being Persons principally interested in Our Colony or Plantation of Connecticut, in New-England, that the same Colony, or the greatest part thereof, was Purchased and obtained for great and valuable Considerations, and some other Part thereof gained by Conquest, and with much difficulty, and at the only Endeavors, Expence, and Charges of them and their Associates, and those under whom they Claim,

Subdued, and Improved, and thereby become a considerable Enlargement and Addition of Our Dominions and Interest there. Now KNOW YE, That in Consideration thereof, and in Regard the said Colony is remote from other the English Plantations in the Places aforesaid, and to the End the Affairs and Business which shall from Time to Time happen or arise concerning the same, may be duly Ordered and Managed, we have thought fit, and at the humble Petition of the Persons aforesaid, and are graciously Pleased to create and make them a Body Politick and Corporate, with the Powers and Privileges herein after mentioned; and accordingly Our Will and Pleasure is, and of our especial Grace, certain Knowledge, and meer Motion, We have ordained, constituted and declared, and by these presents, for Us, Our Heirs and Successors, Do ordain, constitute and declare, that they the said John Winthrop, John Mason, Samuel Wyllys, Henry Clarke, Matthew Allyn, John Tapping, Nathan Gold, Richard Treat, Richard Lord, Henry Wolcott, John Talcott, Daniel Clarke, John Ogden, Thomas Wells, Obadiah Brewen, John Clerke, Anthony Hawkins, John Deming, and Matthew Camfeild, and all such others as now are, or hereafter shall be admitted and made free of the Company and Society of Our Colony of Connecticut, in America, shall from Time to Time, and

* *Rhode Island Records*, vol. iii., p. 258 et seq.; Richman, *Rhode Island*, pp. 59–60.

† *Rhode Island Records*, pp. 269–271.

* For Mather's previous negotiations in England see Doyle, *English Colonies in America*, vol. iii., pp. 253–260; subsequent negotiations, pp. 273–275.

for ever hereafter, be One Body Corporate and politique, in Fact and Name, by the Name of, *Governor and Company of the English Colony of Connecticut in New-England, in America;*

And that by the same Name they and their Successors shall and may have perpetual Succession, and shall and may be Persons able and capable in the Law, to plead and be impleaded, to answer and to be answered unto, to defend and be defended in all and singular Suits, Causes, Quarrels, Matters, Actions, and Things, of what Kind or Nature soever; and also to have, take, possess, acquire, and purchase Lands, Tenements, or Hereditaments, or any Goods or Chattels, and the same to lease, grant, demise, alien, bargain, sell, and dispose of, as other liege People of this Our Realm of *England*, or any other Corporation or Body Politique within the same may lawfully do. And further, That the said Governor and Company, and their Successors, shall and may forever hereafter have a common Seal, to serve and use for all Causes, Matters, Things, and affairs whatsoever, of them and their Successors, and the same Seal, to alter, change, break, and make new from Time to Time, at their Wills and Pleasures, as they shall think fit. And further, We will and ordain, and by these Presents, for Us, our Heirs and Successors, do declare and appoint, that for the better ordering and managing of the Affairs and Business of the said Company and their Successors, there shall be One Governor, One Deputy-Governor, and Twelve Assistants, to be from time to Time constituted, elected and chosen out of the Freemen of the said Company for the Time being, in such Manner and Form as hereafter in these Presents is expressed, which said Officers shall apply themselves to take Care for the best disposing and ordering of the general Business and affairs of and concerning the Land and Hereditaments herein after mentioned to be granted, and the Plantation thereof, and the Government of the People thereof: And for the better Execution of Our Royal Pleasure herein, We do for Us, Our Heirs, and Successors, assign, name, constitute and appoint the aforesaid *John Winthrop* to be the first and present Governor of the said Company, and the said *John Mason*, to be the Deputy-Governor, and the said *Samuel Wyllys*, *Matthew Allyn*, *Nathan Gold*, *Henry Clerke*, *Richard Treat*, *John Ogden*, *John Tapping*, *John Talcott*, *Thomas Wells*, *Henry Wolcott*, *Richard Lord*, and *Daniel Clerke*, to be the Twelve present assistants of the said Company, to continue in the said several Offices respectively, until the second Thursday which shall be in the Month of October now next

coming. And further we Will, and by these Presents for Us, Our Heirs, and Successors, Do ordain and grant, That the Governor of the said Company for the Time being, or in his Absence by occasion of Sickness, or otherwise by his Leave or Permission, the Deputy-Governor for the Time being, shall and may from Time to Time upon all Occasions, give Order for the assembling of the said Company, and calling them together to consult and advise of the Business and Affairs of the said Company, and that for ever hereafter, twice in every Year, *That is to say*, On every Second Thursday in *October*, and on every Second Thursday in *May*, or oftener in case it shall be requisite; the Assistants, and Freemen of the said Company, or such of them (not exceeding Two Persons from each Place, Town, or City) who shall be from Time to Time thereunto elected or deputed by the major Part of the Freemen of the respective Towns, Cities, and Places for which they shall be elected or deputed, shall have a General Meeting, or Assembly, then and there to consult and advise in and about the Affairs and Business of the said Company: and that the Governor, or in his Absence the Deputy-Governor of the said Company for the Time being, and such of the Assistants and Freemen of the said Company as shall be so elected or deputed, and be present at such Meeting or Assembly, or the greatest Number of them, whereof the Governor or Deputy-Governor, and Six of the Assistants at least, to be Seven, shall be called the General Assembly, and shall have full Power and authority to alter and change their Days and Times of Meeting, or General Assemblies, for electing the Governor, Deputy-Governor, and Assistants, or other Officers or any other Courts, Assemblies or Meetings, and to choose, nominate and appoint such and so many other Persons as they shall think fit, and shall be willing to accept the same, to be Free of the said Company and Body Politique, and them into the same to admit; And to elect and constitute such Officers as they shall think fit and requisite for the ordering, managing and disposing of the Affairs of the said Governor and Company, and their Successors:

And we do hereby for Us, Our Heirs and Successors, establish and ordain, That once in the Year for ever hereafter, Namely, the said Second Thursday in *May*, the Governor, Deputy-Governor, and Assistants of the said Company, and other Officers of the said Company, or such of them as the said General Assembly shall think fit, shall be in the said General Court and Assembly to be held from that Day or Time,

newly chosen for the Year ensuing, by such greater Part of the said Company for the Time being, then and there present; and if the Governor, Deputy-Governor, and Assistants by these Presents appointed, or such as hereafter be newly chosen into their Rooms, or any of them, or any other the Officers to be appointed for the said Company shall die, or be removed from his or their several Offices or Places before the said general Day of Election, whom We do hereby declare for any Misdemeanor or Default, to be removable by the Governor, Assistants, and Company, or such greater Part of them in any of the said public Courts to be assembled, as is aforesaid, that then and in every such Case, it shall and may be lawful to and for the Governor, Deputy-Governor, and Assistants, and Company aforesaid, or such greater Part of them so to be assembled, as is aforesaid, in any of their Assemblies, to proceed to a new Election of one or more of their Company, in the Room or Place, Rooms or Places of such Governor, Deputy-Governor, Assistant, or other Officer or Officers so dying or removed, according to their Discretions, and immediately upon and after such Election or Elections made of such Governor, Deputy-Governor, Assistant or Assistants, or any other Officer of the said Company, in Manner and Form aforesaid, the Authority, Office and Power before given to the former Governor, Deputy-Governor, or other Officer and Officers so removed, in whose Stead and Place new shall be chosen, shall as to him and them, and every of them respectively, cease and determine.

Provided also, And Our Will and Pleasure is, That as well such as are by these Presents appointed to be the present Governor, Deputy-Governor, and Assistants of the said Company, as those that shall succeed them, and all other Officers to be appointed and chosen, as aforesaid, shall before they undertake the Execution of their said Offices and Places respectively, take their several and respective corporal Oaths for the due and faithful Performance of their Duties, in their several Offices and Places, before such Person or Persons as are by these Presents hereafter appointed to take and receive the same; *That is to say,* The said *John Winthrop*, who is herein before nominated and appointed the present Governor of the said Company, shall take the said Oath before One or more of the Masters of Our Court of Chancery for the Time being, unto which Master of Chancery, We do by these Presents give full Power and Authority to administer the said Oath to the said *John Winthrop* accordingly: And the said *John Mason*, who is herein before

nominated and appointed the present Deputy-Governor of the said Company, shall take the said Oath before the said *John Winthrop*, or any Two of the Assistants of the said Company, unto whom We do by these Presents give full Power and Authority to administer the said Oath to the said *John Mason* accordingly: And the said *Samuel Wyllys*, *Henry Clerke*, *Matthew Allyn*, *John Tapping*, *Nathan Gold*, *Richard Treat*, *Richard Lord*, *Henry Wolcott*, *John Talcott*, *Daniel Clerke*, *John Ogden*, and *Thomas Wells*, who are herein before nominated and appointed the present Assistants of the said Company, shall take the Oath before the said *John Winthrop*, and *John Mason*, or One of them, to whom We do hereby give full Power and Authority to administer the same accordingly.

And Our further Will and Pleasure is, that all and every Governor, or Deputy-Governor to be elected and chosen by Virtue of these Presents, shall take the said Oath before Two or more of the Assistants of the said Company for the Time being, unto whom We do by these Presents give full Power and Authority to give and administer the said Oath accordingly; and the said Assistants, and every of them, and all and every other Officer or Officers to be hereafter chosen from Time to Time, to take the said Oath before the Governor, or Deputy-Governor for the Time being, unto which Governor, or Deputy-Governor, We do by these Presents give full Power and Authority to administer the same accordingly. And further, Of Our more ample Grace, certain Knowledge, and meer Motion, We have given and granted, and by these presents for Us, Our Heirs and Successors, do give and grant unto the said Governor and Company of the *English Colony of Connecticut*, in *New England*, in *America*, and to every Inhabitant there, and to every Person and Persons trading thither, and to every such Person and Persons as are or shall be Free of the said Colony, full Power and Authority from Time to Time, and at all Times hereafter, to take Ship, Transport and carry away for and towards the Plantation and Defence of the said Colony, such of Our loving Subjects and Strangers, as shall or will willingly accompany them in, and to their said Colony and Plantation, except such Person and Persons as are or shall be therein restrained by Us, Our Heirs and Successors; and also to ship and transport all, and all Manner of Goods, Chattels, Merchandises, and other Things whatsoever that are or shall be useful or necessary for the Inhabitants of the said Colony, and may lawfully be transported thither; *Nevertheless*, not to be discharged of Payment

to Us, our Heirs and Successors, of the Duties, Customs and Subsidies which are or ought to be paid or payable for the same.

And further, Our Will and Pleasure is, and We do for Us, Our Heirs and Successors, ordain, declare, and grant unto the said Governor and Company, and their Successors, That all, and every the Subjects of Us, Our Heirs, or Successors, which shall go to inhabit within the said Colony, and every of their Children, which shall happen to be born there, or on the Seas in going thither, or returning from thence, shall have and enjoy all Liberties and Immunities of free and natural Subjects within any the Dominions of Us, Our Heirs or Successors, to all Intents, Constructions and Purposes whatsoever, as if they and every of them were born within the realm of *England*; And We do authorize and empower the Governor, or in his Absence the Deputy-Governor for the Time being, to appoint Two or more of the said Assistants at any of their Courts or Assemblies to be held as aforesaid, to have Power and Authority to administer the Oath of Supremacy and Obedience to all and every Person or Persons which shall at any Time or Times hereafter go or pass into the said Colony of *Connecticut*, unto which said Assistants so to be appointed as aforesaid, We do by these Presents give full Power and Authority to administer the said Oath accordingly. And We do further of Our especial Grace, certain Knowledge, and meer Motion, give, and grant unto the said Governor and Company of the English Colony of *Connecticut*, in *New-England*, in *America*, and their Successors, That it shall and may be lawful to and for the Governor, or Deputy-Governor, and such of the Assistants of the said Company for the Time being as shall be assembled in any of the General Courts aforesaid, or in any Courts to be especially summoned or assembled for that Purpose, or the greater part of them, whereof the Governor, or Deputy-Governor, and Six of the Assistants, to be always Seven, to erect and make such Judicatories, for the hearing, and determining of all Actions, Causes, Matters, and Things happening within the said Colony, or Plantation, and which shall be in Dispute, and Depending there, as they shall think Fit, and Convenient and also from Time to Time to Make, Ordain, and Establish all manner of wholesome, and reasonable Laws, Statutes, Ordinances, Directions, and Instructions, not Contrary to the Laws of this Realm of *England*, as well for settling the Forms, and Ceremonies of Government, and Magistracy, fit and necessary for the said Plantation, and the Inhabitants there, as for Naming, and Stiling

all Sorts of Officers, both Superior and Inferior, which they shall find Needful for the Government, and Plantation of the said Colony, and the distinguishing and setting forth of the several Duties, Powers, and Limits of every such Office and Place, and the Forms of such Oaths not being contrary to the Laws and Statutes of this Our Realm of *England*, to be administered for the Execution of the said several Offices and Places as also for the disposing and ordering of the Election of such of the said Officers as are to be annually chosen, and of such others as shall succeed in case of Death or Removal, and administering the said Oath to the newly-elected Officers, and granting necessary Commissions, and for Imposition of lawful Fines, Mulcts, Imprisonment or other Punishment upon Offenders and Delinquents according to the Course of other Corporations within this our Kingdom of *England*, and the same Laws, Fines, Mulcts and Executions, to alter, change, revoke, annul, release, or pardon under their Common Seal, as by the said General Assembly, or the major Part of them shall be thought fit, and for the directing, ruling and disposing of all other Matters and things, whereby Our People Inhabitants there, may be so religiously, peaceably and civilly governed, as their good Life and orderly Conversation may win and invite the Natives of the Country to the Knowledge and Obedience of the only true GOD, and the Saviour of Mankind, and the Christian Faith, which in Our Royal Intentions, and the adventurers free Possession, is the only and principal End of this Plantation; willing, commanding and requiring, and by these Presents for Us, Our Heirs and Successors, ordaining and appointing, that all such Laws, Statutes and Ordinances, Instructions, Impositions and Directions as shall be so made by the Governor, Deputy-Governor, and Assistants as aforesaid, and published in Writing under their Common Seal, shall carefully and duly be observed, kept, performed, and put in Execution, according to the true Intent and Meaning of the same, and these Our Letters Patents, or the Duplicate, or Exemplification thereof, shall be to all and every such Officers, Superiors, and Inferiors from Time to Time, for the putting of the same Orders, Laws, Statutes, Ordinances, Instructions, and Directions in due Execution, against Us, Our Heirs and Successors, a sufficient Warrant and Discharge.

And We do further for Us, Our Heirs and Successors, give and grant unto the said Governor and Company, and their Successors, by these Presents, That it shall and may be lawful to, and for the Chief Commanders, Governors and

Officers of the said Company for the Time being, who shall be resident in the Parts of *New-England* hereafter mentioned, and others inhabiting there, by their Leave, Admittance, Appointment, or Direction, from Time to Time, and at all Times hereafter, for their special Defence and Safety, to Assemble, Martial-Array, and put in warlike Posture the Inhabitants of the said Colony, and to Commissionate, Impower, and Authorize such Person or Persons as they shall think fit, to lead and conduct the said Inhabitants, and to encounter, expulse, repel and resist by Force of Arms, as well by Sea as by Land, and also to kill, slay, and destroy by all fitting Ways, Enterprises, and Means whatsoever, all and every such Person or Persons as shall at any Time hereafter attempt or enterprize the Destruction, Invasion, Detriment, or Annoyance of the said Inhabitants or Plantation, and to use and exercise the Law Martial in such Cases only as Occasion shall require; and to take or surprise by all Ways and Means whatsoever, all and every such Person and Persons, with their Ships, Armour, Ammunition and other Goods of such as shall in such hostile Manner invade or attempt the defeating of the said Plantation, or the hurt of the said Company and Inhabitants, and upon just Causes to invade and destroy the Natives, or other Enemies of the said Colony. *Nevertheless*, Our Will and Pleasure is, and We do hereby declare unto all Christian Kings, Princes, and States, that if any Persons which shall hereafter be of the said Company or Plantation, or any other by Appointment of the said Governor and Company for the Time being, shall at any Time or Times hereafter rob or spoil by Sea or by Land, and do any Hurt, Violence, or unlawful Hostility to any of the Subjects of Us, Our Heirs or Successors, or any of the Subjects of any Prince or State, being then in League with Us, Our Heirs or Successors, upon Complaint of such Injury done to any such Prince or State, or their Subjects, We, Our Heirs and Successors will make open Proclamation within any Parts of Our Realm of *England* fit for that Purpose, that the Person or Persons committing any such Robbery or Spoil, shall within the Time limited by such Proclamation, make full Restitution or Satisfaction of all such Injuries done or committed, so as the said Prince, or others so complaining may be fully satisfied and contented; and if the said Person or Persons who shall commit any such Robbery or Spoil shall not make Satisfaction accordingly, within such Time so to be limited, that then it shall and may be lawful for Us, Our Heirs and Successors, to put such Person or Persons out of Our Allegiance and

Protection; and that it shall and may be lawful and free for all Princes or others to prosecute with Hostility such Offenders, and every of them, their, and every of their Procurers, Aiders, Abettors and Counsellors in that Behalf.

Provided also, and Our Express Will and Pleasure is, and We do by these Presents for Us, Our Heirs, and Successors, Ordain and Appoint, that these Presents shall not in any Manner hinder any of Our loving Subjects whatsoever to use and exercise the Trade of Fishing upon the Coast of *New-England*, in *America*, but they and every or any of them shall have full and free Power and Liberty, to continue, and use the said Trade of Fishing upon the said Coast, in any of the Seas thereunto adjoining, or any Arms of the Seas, or Salt Water Rivers where they have been accustomed to fish, and to build and set up on the waste Land belonging to the said Colony of *Connecticut*, such Wharves, Stages, and Work-Houses as shall be necessary for the salting, drying, and keeping of their Fish to be taken, or gotten upon that Coast, any Thing in these Presents contained to the contrary notwithstanding. And Know Ye further, That We, of our Abundant Grace, certain Knowledge, and mere Motion, have given, granted, and confirmed, and by these Presents for Us, our Heirs and Successors, do give, grant and confirm unto the said Governor and Company, and their Successors, all that Part of Our Dominions in *New-England* in *America*, bounded on the *East* by *Narraganset-River*, commonly called *Narraganset-Bay*, where the said River falleth into the Sea; and on the *North* by the Line of the *Massachusetts-Plantation*; and on the *South* by the Sea; and in Longitude as the Line of the *Massachusetts-Colony*, running from *East* to *West*, *That is to say*, From the said *Narraganset-Bay* on the *East*, to the *South Sea* on the *West* Part, with the *Islands* thereunto adjoining, together with all firm Lands, Soils, Grounds, Havens, Ports, Rivers, Waters, Fishings, Mines, Minerals, precious Stones, Quarries, and all and singular other Commodities, Jurisdictions, Royalties, Privileges, Franchises, Preheminences, and Hereditaments whatsoever, within the said Tract, Bounds, Lands, and Islands aforesaid, or to them or any of them belonging. *To have and to hold* the same unto the said Governor and Company, their Successors and Assigns for ever, upon Trust, and for the Use and Benefit of Themselves and their Associates, Freeman of the said Colony, their Heirs and Assigns, to be holden of Us, Our Heirs and Successors, as of Our Manor of *East-Greenwich*, in free and common Soccage, and not in Capite, nor by Knights Service, yielding and paying there-

fore to Us, Our Heirs and Successors, only the Fifth Part of all the Ore of Gold and Silver which from Time to Time, and at all Times hereafter, shall be there gotten, had, or obtained, in Lieu of all Services, Duties, and Demands whatsoever, to be to Us, our Heirs, or Successors therefore, or thereout rendered, made, or paid.

And lastly, We do for Us, our Heirs and Successors, grant to the said Governor and Company, and their Successors, by these Presents, That these Our Letters Patents, shall be firm, good and effectual in the Law, to all Intents, Constructions, and Purposes whatsoever, according to Our true Intent and Meaning herein before declared, as shall be construed, reputed and adjudged most favourable on the Behalf, and for the best Benefit, and Behoof of the said Governor and Company, and their Successors, although ex-

press Mention of the true Yearly Value or Certainty of the Premises, or of any of them, or of any other Gifts or Grants by Us, or by any of Our Progenitors, or Predecessors, heretofore made to the said Governor and Company of the *English Colony of Connecticut, in New-England, in America*, aforesaid, in these Presents is not made, or any Statute, Act, Ordinance, Provision, Proclamation, or Restriction heretofore had, made, enacted, ordained, or provided, or any other Matter, Cause, or Thing whatsoever, to the contrary thereof, in any wise notwithstanding. *In Witness whereof*, We have caused these Our Letters to be made Patents. Witness Ourself at *Westminster*, the Three and Twentieth Day of *April*, in the Fourteenth Year of our Reign.

By Writ of Privy Seal,

HOWARD

II. CHARTER OF RHODE ISLAND AND PROVIDENCE PLANTATIONS—1663.

CHARLES THE SECOND, by the grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c., to all to whom these presents shall come, greeting: *Whereas we* have been informed, by the humble petition of our trustie and well beloved subject, John Clarke, on the behalf of Benjamine Arnold, William Brenton, William Codrington, Nicholas Easton, William Boulston, John Porter, John Smith, Samuell Gorton, John Weeks, Roger Williams, Thomas Olm, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, Samuell Wildbore, William Ffield, James Barker, Richard Tew, Thomas Harris, and William Dyre, and the rest of the purchasers and free inhabitants of our island, called *Rhode-Island*, and the rest of the colonie of Providence Plantations, in the Narragansett Bay, in New-England, in America, that they, pursuing, with peaceable and loyall mindes, their sober, serious and religious intentions, of godlie edifieing themselves, and one another, in the holie Christian faith and worshipping as they were perswaded; together with the gaining over and conversone of the poore ignorant Indian natives, in those partes of America, to the sincere professione and obedienc of the same faith and worship, did, not onlie by the consent and good encouragement of our royall progenitors, transport themselves out of this kingdome of England into America, but alsoe, since their arrivall there, after their first settlement amongst other our subjects in those parts, for the avoideing of discorde, and those manie evils which were likely to ensue upon some of those oure subjects not beinge able to beare, in these remote

parties, their different apprehensions in religious concernements, and in pursuance of the aforesayd ends, did once againe leave their desirable stationes and habitationes, and with excessive labour and travell, hazard and charge, did transplant themselves into the midst of the Indian natives, who, as wee are informed, are the most potent princes and people of all that country; where, by the good Providence of God, from whome the Plantationes have taken their name, upon their labour and industrie, they have not onlie byn preserved to admiration, but have increased and prospered, and are seized and possessed, by purchase and consent of the said natives, to their full content, of such lands, islands, rivers, harbours and roades, as are verie convenient, both for plantations and alsoe for buildinge of shippes, suplye of pypestaves, and other merchandize; and which lyes verie commodious, in manie respects, for commerce, and to accommodate oure southern plantations, and may much advance the trade of this oure realme, and greatlie enlarge the territories thereof; they haveinge, by neare neighbourhoode to and friendlie societie with the greates bodie of the Narragansett Indians, given them encouragement, of their owne accorde, to subject themselves, their people and landes, unto us; whereby, as is hoped, there may, in due tyme, by the blessing of God upon their endeavours, bee layd a sure ffoundation of happinesse to all America:

And *whereas*, in their humble addresse, they have freely declared, that it is much on their hearts (if they may be permitted), to hold forth a livlie experiment, that a most flourishing civill

state may stand and best bee maintained, and that among our English subjects, with a full libertie in religious concernements; and that true pietie rightly grounded upon gospell principles, will give the best and greatest security to sovereignty, and will lay in the hearts of men the strongest obligations to true loyalty: *Now know yee*, that wee beinge willinge to encourage the hopefull undertakeinge of oure sayd loyall and loveinge subjects, and to secure them in the free exercise and enjoyment of all their civill and religious rights, appertaining to them, as our loving subjects; and to preserve unto them that libertie, in the true Christian faith and worshipping of God, which they have sought with soe much travaill, and with peaceable myndes, and loyall subjectione to our royall progenitors and ourselves, to enjoye; and because some of the people and inhabitants of the same colonie cannot, in their private opinions, conforms to the publique exercise of religion, according to the littyurgy, formes and ceremonies of the Church of England, or take or subscribe the oaths and articles made and established in that behalfe; and for that the same, by reason of the remote distances of those places, will (as wee hope) bee noe breach of the unitie and uniformitie established in this nation: Have therefore thought fitt, and doe hereby publish, graunt, ordeyne and declare, That our royall will and pleasure is, that noe person within the sayd colonie, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony; but that all and everie person and persons may, from tyme to tyme, and at all tymes hereafter, freelye and fullye have and enjoye his and their owne judgments and consciences, in matters of religious concernements, throughout the tract of lande hereafter mentioned; they behaving themselves peaceable and quietlie, and not using this libertie to lycentiousnesse and profanenesse, nor to the civill injurie or outward disturbance of others; any laws, statute, or clause, therein contayned, or to bee contayned, usage or custome of this realme, to the contrary hereof, in any wise, notwithstanding. And that they may bee in the better capacity to defend themselves, in their just rights and libertyes against all the enemies of the Christian faith, and others, in all respects, wee have further thought fitt, and at the humble petition of the persons aforesayd are gratusly pleased to declare, That they shall have and enjoye the benefitt of our late act of indempnity and free pardon, as the rest of our subjects in other our

dominions and territoryes have; and to create and make them a bodye politique or corporate, with the powers and priviledges hereinafter mentioned.

And accordingly our will and pleasure is, and of our especiall grace, certaine knowledge, and meere motion, *wee have ordeyned*, constituted and declared, and by these presents, for us, our heires and successors, doe ordeyne, constitute and declare, That they, the sayd William Brenton, William Codrington, Nicholas Easton, Benedict Arnold, William Boulston, John Porter, Samuel Gorton, John Smith, John Weekes, Roger Williams, Thomas Olneye, Gregorie Dexter, John Cogeshall, Joseph Clarke, Randall Holden, John Greene, John Roome, William Dyre, Samuel Wildbore, Richard Tew, William Ffield, Thomas Harris, James Barker, ——— Rainsborow, ——— Williams, and John Nickson, and all such others as now are, or hereafter shall bee admitted and made free of the company and societie of our collonie of Providence Plantations, in the Narragansett Bay, in New England, shall bee, from tyme to tyme, and forever hereafter, a bodie corporate and politique, in fact and name, by the name of *The Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in New-England, in America*; and that, by the same name, they and their successors shall and may have perpetuall succession, and shall and may bee persons able and capable, in the lawe, to sue and bee sued, to pleade and bee impleaded, to answeare and bee answered unto, to defend and to be defended, in all and singular suites, causes, quarrels, matters, actions and thinges, of what kind or nature soever; and alsoe to have, take, possesse, acquire and purchase lands, tenements or hereditaments, or any goods or chattels, and the same to lease, graunt, demise, aliene, bargain, sell and dispose of, at their owne will and pleasure, as other our liege people of this our realme of England, or anie corporation or bodie politique within the same, may be lawefully doe: *And further*, that they the sayd Governor and Company, and their successors, shall and may, forever hereafter, have a common seale, to serve and use for all matters, causes, thinges and affaires, whatsoever, of them and their successors; and the same seale to alter, change, breake, and make new, from tyme to tyme, at their will and pleasure, as they shall thinke fitt.

And further, wee will and ordeyne, and by these presents, for us, oure heires and successours, doe declare and apoynt that, for the better ordering and managing of the affaires and business of the

sayd Company, and theire successours, there shall bee one Governour, one Deputie-Governour and ten Assistants, to bee from tyme to tyme, constituted, elected and chosen, out of the freemen of the sayd Company, for the tyme beinge, in such manner and forme as is hereafter in these presents expressed; which sayd officers shall aplye themselves to take care for the best disposinge and orderinge of the generall business and affaires of, and concerneinge the landes and hereditaments hereinafter mentioned, to be graunted, and the plantation thereof, and the government of the people there. And for the better execution of oure royall pleasure herein, wee doe, for us, oure heires and successours, assign, name, constitute and apoynt the aforesayd Benedict Arnold to bee the first and present Governor of the sayd Company, and the sayd William Brenton, to bee the Deputy-Governor, and the sayd William Boulston, John Porter, Roger Williams, Thomas Olinie, John Smith, John Greene, John Cogeshall, James Barker, William Ffeild, and Joseph Clarke, to bee the tenn present Assistants of the sayd Companye, to continue in the sayd severall offices, respectively, untill the first Wednesday which shall bee in the month of May now next comeing. And further, wee will, and by these presents, for us, our heires and successours, doe ordeyne and graunt, that the Governor of the sayd Company, for the tyme being, or, in his absence, by occasion of sicknesses, or otherwise, by his leave and permission, the Deputy-Governor, for the tyme being, shall and may, from tyme to tyme, upon all occasions, give order for the assemblinge of the sayd Company and callinge them together, to consult and advise of the businessse and affaires of the sayd Company.

And that forever hereafter, twice in every year, that is to say, on every first Wednesday in the month of May, and on every last Wednesday in October, or oftener, in case it shall bee requisite, the Assistants, and such of the freemen of the Company, not exceedinge six persons for Newport, foure persons for each of the respective townes of Providence, Portsmouth and Warwicke, and two persons for each other place, towne or city, whoe shall bee, from tyme to tyme, thereunto elected or deputed by the majour parte of the freemen of the respective townes or places for which they shall bee so elected or deputed, shall have a generall meetinge, or Assembly then and there to consult, advise and determine, in and about the affaires and businessse of the said Company and Plantations. And further, wee doe, of our especiall grace, certayne knowledge, and meere motion, give and graunt unto the sayd

Governour and Company of the English Colonie of *Rhode-Island and Providence Plantations*, in New-England, in America, and theire successours, that the Governour, or, in his absence, or, by his permission, the Deputy-Governour of the sayd Company, for the tyme beinge, the Assistants, and such of the freemen of the sayd Company as shall bee soe as aforesayd elected or deputed, or soe many of them as shall bee present att such meetinge or assemblye, as aforesayde, shall bee called the Generall Assemblye; and that they, or the greatest parte of them present, whereof the Governour or Deputy-Governour, and sixe of the Assistants, at least to bee seven, shall have, and have hereby given and graunted unto them, full power authority, from tyme to tyme, and at all tymes hereafter, to apoynt, alter and change, such dayes, tymes and places of meetinge and Generall Assemblye, as theye shall thinke fitt; and to choose, nominate, and apoynt, such and soe manye other persons as they shall thinke fitt, and shall be willing to accept the same, to bee freee of the sayd Company and body politique, and them into the same to admitt; and to elect and constitute such offices and officers, and to graunt such needfull commissions, as they shall thinke fitt and requisite, for the ordering, managing and dispatching of the affaires of the sayd Governour and Company, and their successours; and from tyme to tyme, to make, ordeyne, constitute or repeal, such lawes, statutes, orders and ordinances, formes and ceremonies of government and magistracye as to them shall seeme meete for the good and welfare of the sayd Company, and for the government and ordering of the landes and hereditaments, hereinafter mentioned to be graunted, and of the people that doe, or att any tyme hereafter shall, inhabitt or bee within the same; soe as such lawes, ordinances and constitutiones, soe made, bee not contrary and repugnant unto, butt, as neare as may bee, agreeable to the lawes of this our realme of England, considering the nature and constitutiones of the place and people there; and alsoe to apoynt, order and direct, erect and settle, such places and courts of jurisdiction, for the heareinge and determininge of all actions, cases, matters and things, happening within the sayd collonie and plantatione, and which shall be in dispute, and depending there, as they shall thinke fitt; and alsoe to distinguish and sett forth the severall names and titles, duties, powers and limitts of each court, office and officer, superior and inferior; and alsoe to contrive and apoynt such formes of oaths and attestations, not repugnant, butt, as neare as may bee, agreeable, as aforesayd, to the lawes

and statutes of this oure realme, as are convenient and requisite, with respect to the due administration of justice, and due execution and discharge of all offices and places of trust by the persons that shall bee therein concerned; and alsoe to regulate and order the waye and manner of all elections to offices and places of trust, and to prescribe, limitt and distinguish the numbers and boundes of all places, townes or cities, within the limitts and bounds herein after mentioned, and not herein particularlie named, who have, and shall have, the power of electing and sending of ffreemen to the sayd Generall Assembly; and alsoe to order, direct and authorize the imposing of lawfull and reasonable ffynes, mulots, imprisonments, and executing other punishments pecuniary and corporal, upon offenders and delinquents, according to the course of other corporations within this oure kingdom of England; and agayne to alter, revoke, annull or pardon, under their common seale or otherwyse, such ffynes, mulots, imprisonments, sentences, judgments and condemnations, as shall bee thought fitt; and to direct, rule, order and dispose of, all other matters and things, and particularly that which relates to the makinge of purchases of the native Indians, as to them shall seeme meete; whereby oure sayd people and inhabitants, in the sayd Plantationes, may be soe religiously, peaceably and civilly governed, as that, by their good life and orderlie conversatione, they may win and invite the native Indians of the countrie to the knowledge and obedience of the onlie true God, and Saviour of mankind; willing, commanding and requiring, and by these presents, for us, oure heires and successours, ordeyneing and apoynting, that all such lawes, statutes, orders and ordinances, instructions, impositions and directiones, as shall bee soe made by the Governour, deputy-Governour, Assistants and ffreemen, or such number of them as aforesayd, and published in writinge, under their common seale, shall bee carefully and duely observed, kept, performed and putt in execution, accordinge to the true intent and meaning of the same.

And these our letters patent, or the duplicate or exemplification thereof, shall bee to all and everie such officer, superiour or inferiour, ffrom tyme to tyme, for the putting of the same orders, lawes, statutes, ordinances, instructions and directions, in due execution, against us, oure heires and successours, a sufficient warrant and discharge. And further, our will and pleasure is, and wee doe hereby, for us, oure heires and successours, establish and ordeyne, that yearelie, once in the yeare, forever hereafter namely, the afore-

sayd Wednesday in May, and at the towne of Newport, or elsewhere, if urgent occasion doe require, the Governour, Deputy-Governour and Assistants of the sayd Company, and other officers of the sayd Company, or such of them as the Generall Assembly shall thinke fitt, shall bee, in the sayd Generall Court or Assembly to bee held from that daye or tyme, newly chosen for the year ensuing, by such greater part of the sayd Company, for the tyme beinge, as shall bee then and there present; and if itt shall happen that the present Governour, Deputy-Governour and Assistants, by these presents apoynted, or any such as shall hereafter be newly chosen into their roomes, or any of them, or any other the officers of the sayd Company, shall die or bee removed ffrom his or their severall offices or places, before the sayd generall day of election, (whom wee doe hereby declare, for any misdemeanour or default, to be removeable by the Governour, Assistants and Company, or such greater parte of them, in any of the sayd publique courts, to bee assembled as aforesayd), that then, and in every such case, it shall and may bee lawfull to and ffor the sayd Governour, Deputy-Governour, Assistants and Company aforesayde, or such greater parte of them, soe to bee assembled as is aforesayde, in any their assemblies, to proceede to a new election of one or more of their Company, in the roome or place, roomes or places, of such officer or officers, soe dyeinge or removed, according to their discretiones; and immediately upon and after such elections or elections made of such Governour, Deputy-Governour or Assistants, or any other officer of the sayd Company, in manner and forme aforesayde, the authoritie, office and power, before given to the former Governour, Deputy-Governour, and other officer and officers, soe removed, in whose steade and place new shall be chosen, shall, as to him and them, and every of them, respectively, cease and determine:

Provided, allwayes, and our will and pleasure is, that as well such as are by these presents apoynted to bee the present Governour, Deputy-Governour and Assistants, of the sayd Company, as those that shall succede them, and all other officers to bee apoynted and chosen as aforesayde, shall, before the undertakeinge execution of the sayd officer and places respectively, give their solemn engagement, by oath, or otherwyse, for the due and faythfull performance of their duties in their severall offices and places, before such person or persons as are by these presents hereafter apoynted to take and receive the same, that is to say: the sayd Benedict Arnold, whoe is hereinbefore nominated and apoynted the present

Governour of the sayd Company, shall give the aforesayd engagement before William Brenton, or any two of the sayd Assistants of the sayd Company; unto whome *wee doe* by these presents give full power and authority to require and receive the same; and the sayd William Brenton, whoe is hereby nominated and apoynted the present Deputy-Governour of the sayd Company, shall give the aforesayd engagement before the sayd Benedict Arnold, or any two of the Assistants of the sayd Company; unto whome *wee doe* by these presents give full power and authority to require and receive the same; and the sayd William Boulston, John Porter, Roger Williams, Thomas Olneye, John Smith, John Greene, John Cogeshall, James Barker, William Ffield, and Joseph Clarke, whoe are hereinbefore nominated apoynted the present Assistants of the sayd Company, shall give the sayd engagement to their offices and places respectively belonging, before the sayd Benedict Arnold and William Brenton, or one of them; to whome, respectively *wee doe* hereby give full power and authority to require, administer or receive the same: *and further*, our will and pleasure is, that all and every other future Governour or Deputy-Governour, to bee elected and chosen by vertue of these presents, shall give the sayd engagement before two or more of the sayd Assistants of the sayd Company for the tyme being; unto whome *wee doe* by these presents give full power and authority to require, administer or receive the same; and the sayd Assistants, and every of them, and all and every other officer or officers to bee hereafter elected and chosen by vertue of these presents, from tyme to tyme, shall give the like engagements, to their offices and places respectively belonging bofore the Governour or Deputy-Governour for the tyme being; into which sayd Governour, or Deputy-Governour, *wee doe* by these presents give full power and authority to require, administer or receive the same accordingly.

And wee doe likewise, for vs, oure heires and successours, give and graunt vnto the sayd Governour and Company and their successours by these presents, that, for the more peaceable and orderly government of the sayd Plantations, it shall and may bee lawfull for the Governour, Deputy-Governor, Assistants, and all other officers and ministers of the sayd Company, in the administration of justice, and exercise of government, in the sayd Plantations, to vse, exercise, and putt in execution, such methods, rules, orders and directions, not being contrary or repugnant to the laws and statutes of this oure realme, as have byn heretofore given, vsed and ac-

customed, in such cases respectively, to be putt in practice, untill att the next or some other Generall Assembly, special provision shall be made and ordeyned in the cases aforesayd. *And wee doe further*, for vs, oure heires and successours, give and graunt vnto the sayd Governour and Company, and their successours, by these presents, that itt shall and may bee lawfull to and for the sayd Governour, or in his absence, the Deputy-Governour, and majour parte of the sayd Assistants, for the tyme being, att any tyme when the sayd Generall Assembly is not sitting, to nominate, apoynt and constitute, such and soe many commanders, governours, and military officers, as to them shall seeme requisite, for the leading, conductinge and trayneing vpp the inhabitants of the sayd Plantations in martiall affaires, and for the defence and safeguard of the sayd Plantations; and that itt shall and may bee lawfull to and for all and every such commander, governour and military officer, that shall bee soe as aforesayd, or by the Governour, or, in his absence, the Deputy-Governour, and six of the sayd Assistants, and majour parte of the freemen of the sayd Company present att any Generall Assemblies, nominated, apoynted and constituted accordinge to the tenor of his and their respective commissions and directions, to assemble, exercise in arms, martiall array, and putt in warlyke posture, the inhabitants of the sayd collonie, for their speciall defence and safety; and to lead and conduct the sayd inhabitants, and to encounter, expulse, expell and resist, by force of armes, as well by sea as by lande; and alsoe to kill, slay and destroy, by all fitting wayes, enterprizes and meanes, whatsoever, all and every such person or persons as shall, att any tyme hereafter, attempt or enterprize the destruction, invasion, detriment or annoyance of the sayd inhabitants or Plantations; and to vse and exercise the lawe martiall in such cases only as occasion shall necessarily require; and to take or surprise, by all wayes and means whatsoever, all and every such person and persons, with their shipp or shippes, armor, ammunition or other goods of such persons, as shall, in hostile manner, invade or attempt the defeating of the sayd Plantations, or the hurt of the sayd Company and inhabitants; and vpon just causes, to invade and destroy the native Indians, or other enemyes of the sayd Collony. Nevertheless, our will and pleasure is, and *wee doe* hereby declare to the rest of oure Collonies in New England, that itt shall not bee lawfull for this our sayd Collony of Rhode-Island and Providence Plantations, in America, in New-England, to invade the natives

inhabiting within the boundes and limitts of their sayd Colonies without the knowledge and consent of the sayd other Colonies. And itt is hereby declared, that itt shall not bee lawfull to or ffor the rest of the Collonies to invade or molest the native Indians, or any other inhabitants, inhabiting within the bounds and lymitts hereafter mentioned (they having subjected themselves vnto vs, and being by vs taken into our speciall protection), without the knowledge and consent of the Governour and Company of our Collony of Rhode-Island and Providence Plantations.

Alsoe our will and pleasure is, and wee doe hereby declare unto all Christian Kings, Princes and States, that if any person, which shall hereafter bee of the sayd Company or Plantations, or any other, by apoyntment of the sayd Governour and Company for the tyme beinge, shall at any tyme or tymes hereafter, rob or spoyle, by sea or land, or do any hurt, unlawfull hostility to any of the subjects of vs, oure heires or successours, or any of the subjects of any Prince or State, beinge then in league with vs, oure heires, or successours, vpon complaint of such injury done to any such Prince or State, or their subjects, wee, our heires and successours, will make open proclamation within any parts of oure realme of England, fitt ffor that purpose, that the person or persons committing any such robbery or spoyle shall, within the tyme lymitted by such proclamation, make full restitution or satisfaction of all such injuries, done or committed, soe as the sayd Prince, or others soe complaineinge, may bee fully satisfied and contented; and if the sayd person or persons whose shall commit any such robbery or spoyle shall not make satisfaction, accordingly, within such tyme, soe to bee lymitted, that then wee, oure heires and successours, will putt such person or persons out of oure allegiance and protection; and that then itt shall and may bee lawfull and free ffor all Princes or others to prosecute, with hostility, such offenders, and every of them, their and every of their procurers, ayders, abettors and counsellors, in that behalfe; *Provided* alsoe, and oure expresse will and pleasures is, and *wee doe*, by these presents, ffor vs, our heirs and successours, ordeyne and apoynt, that these presents shall not, in any manner, hinder any of our lovinge subjects, whatsoever, ffrom vsing and exercising the trade of fishing vpon the coast of New-England, in America; butt that they, and every or any of them, shall have full and free power and liberty to continue and vse the trade of fishing vpon the sayd coast, in any of the seas thereunto adjoyninge, or any armes of the seas, or salt water, rivers and

creeks, where they have been accustomed to fish; and to build and to sett upon the waste land, belonginge to the sayd Collony and Plantations such wharves, stages and worke-houses as shall be necessary for the salting, drying and keepinge of their fish, to be taken or gotten upon that coast. *And further*, for the encouragement of the inhabitants of our sayd Collony of Providence Plantations to sett vpon the businesse of takeing whales, itt shall bee lawfull ffor them, or any of them, having struck whale, dubertus, or other greate fish, itt or them, to pursue unto any parte of that coaste, and into any bay, river, cove, creeke or shoare, belonging thereto, and itt or them, vpon sayd coaste, or in the sayd bay, river, cove, creeke or shoare, belonging thereto, to kill and order for the best advantage, without molestation, they makeing noe wilfull waste or spoyle, any thinge in these presents conteyned, or any other matter or thing, to the contrary notwithstanding. And further alsoe, wee are graciously pleased, and doe hereby declare, that if any of the inhabitants of oure sayd Collony doe sett upon the plantinge of vineyards (the soyle and clymate both seemeing naturally to concur to the production of wyne), or bee industrious in the discovery of fishing banks, in or about the sayd Collony, wee will, ffrom tyme to tyme, give and allow all due and fitting encouragement therein, as to others in case of lyke nature. And further, of oure more ample grace, certayne knowledge, and meere motion, wee have given and graunted, and by these presents, ffor vs, oure heires and successours, doe give and graunt vnto the sayd Governour and Company of the English Collony of Rhode-Island and Providence Plantations, in the Narragansett Bay, in New-England in America, and to every inhabitant there, and to every person and persons trading thither, and to every such person or persons as are or shall bee free of the sayd Collony, full power and authority, from tyme to tyme, and att all tymes hereafter, to take, shipp, transport and carry away, out of any of our realmes and dominions, for and towards the plantation and defence of the sayd Collony, such and soe many of oure lovinge subjects and strangers as shall or will willingly accompany them in and to their sayd Collony and Plantation; except such person or persons as are or shall be therein restrained by vs, oure heirs and successours or any law or statute of this realme: and also to shipp and transport all and all manner of goods, chattels, merchandizes, and other things whatsoever, that are or shall bee vsefull or necessary ffor the sayd Plantations, and defence thereof, and vsually

transported, and nott prohibited by any lawe or statute of this our realme; yielding and paying vnto vs, our heires and successours, such the duties, customes and subsidies, as are or ought to bee payd or payable for the same.

And further, our will and pleasure is, and wee doe, ffor us, our heirs and successours, ordeyn, declare and graunt, vnto the sayd Governour and Company, and their successours, that all and every the subjects of vs, our heires and successours, which are already planted and settled within our sayd Collony of Providence Plantations, or which shall hereafter goe to inhabit within the sayd Collony, and all and every of theire children, which have byn borne there, or which shall happen hereafter to bee borne there, or on the sea, going thither, or retourneing from thence, shall have and enjoye all libertyes and immunityes of free and naturall subjects within any the dominions of vs, our heires or successours, to all intents, constructions and purposes, whatsoever, as if they, and every of them, were borne within the realme of England. And further, know ye, that wee, of our more abundant grace, certain knowledge and meere motion, have given, graunted and confirmed, and, by these presents, for vs, our heires and successours, doe give, graunt and confirme, vnto the sayd Governour and Company, and theire successours, all that parte of our dominiones in New-England, in America, conteyning the Nahantick and Nanhigansett Bay, and cuntryes and partes adjacent, bounded on the west, or westerly, to the middle or channel of a river there, commonly called and known by the name of Pawcatuck, alias Pawcatuck river, and soe along the sayd river, as the greater or middle streame thereof reacheth or lyes vpp into the north cuntrye, northward, unto the head thereof, and from thence, by a streight lyne drawn due north, vntil itt meete with the south lyne of the Massachusetts Collonie; and on the north, or northerly, by the aforesayd south or southerly lyne of the Massachusetts Collony or Plantation, and extending towards the east, or eastwardly, three English miles to the east and north-east of the most eastern and north-eastern parts of the aforesayd Narragansett Bay, as the sayd bay lyeth or extendeth itself from the ocean on the south, or southwardly, vnto the mouth of the river which runneth towards the towne of Providence, and from thence along the eastwardly side or banke of the sayd river (higher called by the name of Seacunck river), vp to the falls called Patuckett falls, being the most westwardly lyne of Plymouth Collony, and soe from the sayd falls, in a streight lyne, due

north, untill itt meete with the aforesayd line of the Massachusetts Collony; and bounded on the south by the ocean: and, in particular, the lands belonging to the townes of Providence, Pawtuxet, Warwicke, Misquammacok, alias Pawcatuck, and the rest vpon the maine land in the tract aforesayd, together with Rode-Island, Blocke-Island, and all the rest of the islands and banks in the Narragansett Bay, and bordering vpon the coast of the tract aforesayd (Fisher's Island only excepted), together with all firme lands, soyles, grounds, havens, ports, rivers, waters, fishings, mines royall, and all other mymes mineralls, precious stones, quarries, woods, wood-grounds, rocks, slates, and all and singular other commodities, jurisdictions, royalties, priviledges, franchises, preheminences and hereditaments, whatsoever, within the sayd tract, bounds, landes, and islands, aforesayd, or to them or any of them belonging, or in any wise appertaining: *to have and to hold the same*, vnto the sayd Governour and Company, and their successours, forever, vpon trust, for the vse and benefitt of themselves and their associates, freemen of the sayd Collony, their heires and assignes, to be holden of vs, our heires and successours, as of the Mannor of East-Greenwich, in our county of Kent, in free and comon soccage, and not in capite, nor by knight service; yeilding and paying therefore, to vs, our heires and successours, only the fifth part of all the oare of gold and silver which, from tyme to tyme, and att all tymes hereafter, shall bee there gotten, had or obtained, in lieu and satisfaction of all services, duties, flynes, forfeitures, made or to be made, claimes and demands, whatsoever, to bee to vs, our heires or successours, therefor or thereout rendered, made or paid; any graunt, or clause in a late graunt, to the Governour and Company of Connecticutt Colony, in America, to the contrary thereof in any wise notwithstanding; the aforesayd Pawcatuck river havinge byn yielded, after much debate, for the fixed and certain boundes betweene these our sayd Colonies, by the agents thereof; whoe have alsoe agreed, that the sayd Pawcatuck river shall bee alsoe called alias Norrogansett or Narrogansett river; and, to prevent future disputes, that otherwise might arise thereby, forever hereafter shall bee construed, deemed and taken to bee the Narragansett river in our late graunt to Connecticutt Colony mentioned as the easterly bounds of that Colony. And further, our will and pleasure is, that in all matters of publike controversy which may fall out betweene our Colony of Providence Plantations, and the rest of our Colonies in New-England, itt shall and may bee lawfull to and

for the Governour and Company of the sayd Colony of Providence Plantations to make their appeals therein to vs, our heirs and successours, for redresse in such cases, within this our realme of England: and that itt shall bee lawfull to and for the inhabitants of the sayd Colony of Providence Plantations, without let or molestation, to passe and repasse with freedome, into and through the rest of the English Collonies, vpon their lawfull and civill occasions, and to converse, and hold commerce and trade, with such of the inhabitants of our other English Collonies as shall bee willing to admitt them thereunto, they behaveing themselves peaceably among them; any act, clause or sentence, in any of the sayd Collonies provided, or that shall bee provided, to the contrary in anywise notwithstanding. *And lastly, wee doe*, for vs, our heires and successours, ordeyne and graunt vnto the sayd Governor and Company, and their successours, and by these presents, that these our letters patent shall be firme, good, effectuell and available in all things in the lawe, to all intents, constructions and purposes whatsoever, according to our true intent

and meaning hereinbefore declared; and shall bee construed, reputed and adjudged in all cases most favorably on the behalfe, and for the benefitt and behoofe, of the sayd Governor and Company, and their successours; although *express mention* of the true yearly value or certainty of the premises, or any of them, or of any other gifts or graunts by vs, or by any of our progenitors or predecessors, heretofore made to the sayd Governor and Company of the English Colony of Rhode-Island and Providence Plantations, in the Narragansett Bay, New-England, in America, in these presents is not made, or any statute, act, ordinance, provision, proclamation or restriction, heretofore had, made, enacted, ordeyned or provided, or any other matter, cause or thing whatsoever, to the contrary thereof in anywise notwithstanding. *In witness* whereof, wee have caused these our letters to be made patent. *Witness* our Selfe att Westminster, the eighth day of July, in the fifteenth yeare of our reigne.

By the King:

HOWARD.

CHAPTER XII.

1660-1691.

PROGRESS OF VIRGINIA AND MARYLAND.

Changes in Virginia — Aristocratic class rules colony — Colonists oppose Navigation Act — Intolerant acts passed — Attempts to establish new industries — Charter granted to Culpepper and Arlington — Bacon's rebellion — "Bacon's Laws" annulled — Culpepper's rapacious course in Virginia — Tobacco planting prohibited for a period — Culpepper inflates the currency — Lord Howard of Effingham becomes governor — His despotic course — Assembly dissolved — Howard retires from the governorship — Increase of wealth and population in Maryland — Catholics prohibited from holding office — Rebellion under Fendall — Baltimore compelled to yield to Penn's demand regarding boundary — The "Protestant Revolution" of 1689 — Maryland becomes a crown colony.

It will be remembered that in 1660 Sir William Berkeley had been elected governor of Virginia. At that time popular liberty and other privileges had been well established to all outward appearances, but during the next quarter of a century many important changes occurred, by which the powers of the governor and councillors were increased, while the powers of the Assembly and freemen

were curtailed. As there were several causes which aided in bringing about this result, let us briefly review them.

Virginia had originally been settled by adherents of the English nobility and had received a decidedly aristocratic cast from the influx of Cavaliers during the civil war in England. These Cavaliers brought with them to the New World hereditary preju-

dices in favor of the privileges conferred by birth and rank, and also a contemptuous disregard for popular rights and pretensions.* Slightly below this class in the social scale were the free descendants of the first settlers of inferior rank. Still lower in the social order were the indentured servants who had been brought over by the planters and bound to serve for a certain number of years during which time they were virtually in a state of slavery. After having served their term of indenture, they became freemen and were allowed the right to vote. Negro slaves had also been introduced into the colony and had largely increased as the plantations extended into the interior,† but these negro slaves were entirely destitute of the political privileges which were enjoyed by the freemen.

The management of public affairs was in the hands of the aristocratic class. At this time William Berkeley, being devoted to their interests, had been put forward. Being warmly attached to the soil of Virginia, Berkeley's views were in perfect accord with those of the Assembly by whom he had been chosen, and the influence of the governor and Assembly was united to perpetuate the tenure of that power which already lay in their hands. It was intended that the burgesses should hold office

for two years only and that at the expiration of their terms another election was to take place, according to previous usages; but those in power continued to retain possession of their seats without reëlection, to secure the reappointment of Berkeley and to enact such statutes as were entirely favorable to their own interests. Furthermore, in order to continue themselves in power, they passed an act disfranchising a large portion of the people who had in the first place elected them to office, making it possible now for only freeholders and householders to exercise the elective privilege. As a consequence of their long continued usurpation of power, both the governor and the Assembly began to act in an extremely arbitrary manner. They voted themselves exorbitant salaries, to pay which it became necessary to enormously increase the taxation; but the people had no redress, as the power of checking these disorders had been taken entirely out of their hands. "The Assembly called in 1662, composed of friends of the governor, continued for fourteen years, and by it taxes were imposed for towns that never flourished, and for public utilities which exceeded the needs of the people and cost three times as much as they were worth."*

In addition to these high-handed methods in Virginia, the colonists

* Bancroft, vol. i., p. 442 *et seq.*

† In 1670 there were about 2,000 slaves and 6,000 white servants, while the free people numbered 32,000.—Cooke, *Virginia*, p. 228.

* *The South in the Building of the Nation*, vol. i., p. 30.

were also subjected to some harsh measures enacted by the home government. The Navigation Act passed at this time seriously affected the colonial trade by restricting the market to England and to English vessels alone.* Not only Massachusetts opposed this act, but also Virginia, and the latter colony sent Berkeley to England in 1661 in an endeavor to obtain relief, but without success.† All that Berkeley succeeded in getting was a share for himself in the newly erected province of North Carolina.

Meanwhile the Virginia Assembly had enacted some laws which were not unlike those of the English government. Intolerant edicts, long since forgotten, were revived and made still more intolerant, while others were enacted against all dissenters — Puritans, Baptists, and Quakers — who were subject to fine and banishment, although there was no death punishment for Quakers as there had been in Massachusetts.‡ So intolerant did the situation become that even the pulpit itself was feared, Berkeley himself expressing a wish that the established ministry “should pray oftener and preach less.” At this time also there was a serious attempt to discourage education.

* Cooke, *Virginia*, pp. 230-232; Howe, *Historical Collections of Virginia*, vol. i., pp. 69-70.

† Brown, *English Politics in Early Virginia History*, pp. 118-119.

‡ Bancroft vol. i., p. 447 *et seq.* For extracts from these laws see Henry Howe, *Historical Collections of Virginia*, p. 150 *et seq.*

Berkeley in his famous report of 1671 on the condition of the colony said: “I thank God there are no free schools nor printing, and I hope we shall not have these [for a] hundred years; for learning has brought disobedience, and heresy, and sects into the world, and printing has divulged them, and libels against the best government. God keep us from both!”* It was thus the object of the aristocratic class to maintain themselves in power over the submissive and ignorant common people.† “The hope of introducing new branches of industry was not yet abandoned. To encourage Colonel Scarborough’s salt works in Northampton, the importation of salt into that county is prohibited. The planting of mulberry trees was still enforced, and premiums are offered for silk, for ships built, and for woollen and linen cloth made in the colony. Two acres of corn or pulse, or one acre of wheat, were to be cultivated for every tith-

* Thwaites, *The Colonies*, pp. 107-108; Henning’s *Statutes*, vol. ii., p. 517; Cooke, *Virginia*, p. 226; Bancroft, vol. i., p. 451. Page says that Berkeley’s declaration regarding free schools was untrue, for in 1634 [1635?] a free school was established in Elizabeth City County by bequest of Benjamin Symes, “the first legacy made for that purpose by a resident of the American plantations.” Page also says that this school was followed by others; one in Gloucester County in 1675, founded by Henry Plasiby, another in Yorktown, founded by Nicholson in 1691, one in Westmoreland County, founded by William Horton in 1700, one in Accomack, in 1710, by Samuel Sanford, and one in Elizabeth City by Thomas Eaton. — *The Old Dominion*, p. 145. See also *The Colonial Virginia*, an address by R. A. Brock, p. 16.

† Smith, *Thirteen Colonies*, vol. i., pp. 104-108.

able. A tan-house with curriers and shoemakers attached, was to be established at the public expense in each county; hides received at a fixed price to be manufactured into shoes, and sold at rates prescribed in the statute * * * Spanish pieces of eight—that is, dollars—are declared current at the rate of five shillings, and the exportation of money in sums above forty shillings is prohibited. The exportation of mares and sheep is also forbidden. Masters of vessels transporting any person out of the colony without a pass are liable for his debts.” * These were among the laws passed for the regulation of industry.

On February 25, 1673, Charles II. granted away the whole colony to Lord Culpepper and Lord Arlington, two of his rapacious courtiers whom he found it necessary to satisfy.† This grant gave to these two men for thirty-one years at a rent of 40 shillings per year all the quit-rents and lands escheated to the crown; they were empowered to make conveyances in fee simple; and no holder of land by valid title was to be disturbed; but the exception was made that these two lords were to be absolute masters in Virginia.‡ This grant was not calculated to allay the discontent of the colonists and the course pursued by these two lords made the situation still more unbear-

able. As a consequence of measures taken to see if these two new claimants could be bought off, fresh taxes were levied. In 1674 Colonel Francis Moryson, Secretary Thomas Ludwell and General Robert Smith were despatched to England for this purpose; at the same time the governor and Assembly seized the opportunity to solicit a royal charter. The petition was granted, but in passing the seals the charter was delayed for some time, and the negotiations were finally cut short in 1675 by news of a rebellion which had broken out in Virginia.*

The direct cause of this uprising, which was known as Bacon's Rebellion, was an Indian war. Virginia had suffered greatly from the treacherous outbreaks of the Indians, and though for the past thirty years the Indians had been comparatively peaceful, still the colonists always held themselves prepared for an outbreak. The Senecas had attacked and driven the Susquehannas upon the frontier of Maryland, and in an endeavor to repel the invasion, the Virginians became involved in the ensuing war with the Indians. One of the planters who had resisted the depredations of the Indians was John Washington, who several years prior to this time had emigrated from the north of England and became the founder of the Washington family in

* Hildreth, vol. i., p. 515.

† Burke, *Virginia*, vol. ii., pp. 34.

‡ Cooke, *Virginia*, p. 233.

* Hildreth, vol. i., pp. 525-526; Bancroft, vol. i., pp. 452-454; Brown, *English Politics in Early Virginia History*, p. 119 et seq.

America. He had organized a body of colonists, besieged an Indian fort, and put to death six Indian envoys who had been sent to effect a reconciliation.* In retaliation for this outrage, the savages renewed their usual pillaging and incendiarism. The Assembly, therefore, began to provide a system of forts and levies of troops to protect the country, but as the forts were very elaborate and expensive, they caused considerable dissatisfaction in the colony, the whole arrangement being stigmatized as absurd and oppressive. In 1676, therefore, the people began to demand that energetic operations be undertaken to put down the war, Nathaniel Bacon being one of the most energetic of the complainants. Bacon was in the vigor of early manhood, of good address,† and influential connections. He declared that if a commission to organize a force to repel the Indians should be denied him, he would act upon his own initiative.

A state of excitement now prevailed throughout the entire colony, which was thrown into further dismay by the news that Bacon's plantation had been broken into and one of

his favorite servants murdered. Bacon instantly flew to arms, gathered a large body of men together and set off in pursuit of the enemy. The governor, considering this proceeding as an insult to his authority, proclaimed Bacon a rebel, deprived him of his seat in the council, and called upon his followers to disperse. This summons was obeyed by a number of the less zealous among the insurgents, but Bacon was not to be restrained by the desertion of a few of his followers, and continued to push forward in pursuit of the Indians.* All the tribes of Indians had become more or less embroiled in this war, though some were still on a friendly footing with the colonists, but even they were suspected of being implicated in the war. Bacon and his companions when far in the interior ran short of provisions, and being near the fort of one of these friendly tribes, requested that they replenish the depleted stock of the colonists. The Indians kept the English waiting for three days, however, until their want was extreme, thus finally compelling them to threaten an attack to enforce obedience to their demands. In order to attack the fort, it was necessary that the colonists cross a stream, and as they neared the opposite bank a shot was discharged from the shore just left. This induced Bacon to attack the fort, and in the subsequent

* There is much dispute as to whether the Virginians or a party of Marylanders commanded by Major Thomas Truman, committed this act. Browne, in *Maryland: The History of a Palatinate*, p. 131, claims that the Virginians were to blame, but Fiske (*Old Virginia*, vol. ii., pp. 58-61) claims that the evidence points to the Marylanders as the perpetrators of the deed.

† Cooke, *Virginia*, pp. 238-239.

* Cooke, pp. 241-242.

battle 150 Indians were killed. This is Bacon's account of what is known as the "Battle of Bloody Run."*

Berkeley now determined to compel obedience to his summons by force, and, having organized a body of troops, marched after Bacon and his men, but he was arrested in his progress by news of disturbances in the lower counties. His own authority was superseded, the Assembly was dissolved, and Bacon was one of the newly elected burgesses, having now returned from his expedition against the Indians. Bacon went to Jamestown in a sloop with a number of armed followers and upon his arrival there was arrested, but after he had very humbly begged pardon for his mutinous conduct "at the bar of the Assembly," he was paroled.† The Assembly then restored the franchise to the freemen and endeavored to effect the needed reforms in every branch of the government. It enacted also many other reforms known as "Bacon's Laws,"‡ which were intended to abate the pretensions of the aristocratic party and to restore to the lower classes the privileges of which they had been deprived by the ruling party. Some of these laws in a modified form were reënacted by succeeding Assemblies.

Though he had been pardoned and restored to his seat in the council,

Bacon soon afterward secretly left Jamestown,* and in a few days collected some 400 of his adherents in the upper counties and suddenly appeared again at Jamestown. During the interview with the governor at which he presented his demands, it is said that Berkeley tore open his dress and exposing his naked breast said: "Here I am! Shoot me! 'Fore God! A fair mark, a fair mark! shoot!" But Bacon, not being in a state of excitement, replied: "No, may it please your honour, we will not hurt a hair in your head, nor of any man's — We are come for a commission to save our lives from the Indians, which you have so often promised, and now we'll have it before we go."† In addition to making the same demand upon the Assembly itself, the insurgents threatened also that body. Through fear and because there were many among them who were warm partisans of Bacon, the Assembly finally yielded to the popular demand and compelled the governor, though much against his will, to grant the demands and also to appoint Bacon to the command of the forces to be sent against the enemy. The Assembly was then dissolved.‡

The strife had not ended, however, for Bacon had hardly set out on his expedition against the Indians when

* Cooke, p. 243.

† Fiske, *Old Virginia*, vol. i., pp. 66-67; Cooke, pp. 244-249.

‡ See Henings' *Statutes*, vol. ii., pp. 341-345.

* Cooke p. 254 *et seq.*

† Fiske, *Old Virginia*, vol. ii., p. 75; Bancroft, vol. i., p. 462; Cooke, pp. 258-260.

‡ Cooke, pp. 260-262.

Berkeley, on July 29, issued a proclamation denouncing him as a rebel, setting a price on his head and commanding his followers to disperse. Bacon became highly indignant at such treatment, and after issuing a manifesto in rejoinder to Berkeley's proclamation,* he immediately retraced his steps to Jamestown, and upon his arrival there the governor fled in dismay. Steps were at once taken thoroughly to reorganize the government, the people being called together and writs issued for a new election of burgesses in September.† After this had been done, Bacon again set out to subdue the Indians, but again he had hardly gone from the town when Berkeley began to contrive by promises of pay and plunder to recover his lost authority. In this he unexpectedly succeeded, though his triumph was only a passing one; for Bacon made a rapid descent from the upper country, invested and speedily took Jamestown, and in order to prevent a recurrence of Berkeley's actions, ordered the city to be burned to the ground.‡ Meanwhile a large body of troops under Colonel Brent had been sent against Bacon, but when they learned of his success, they quickly dispersed without attempting to try the issue with Bacon's troops. Success had now attended every move made by Bacon, and he was at liberty to carry

out any design he might conceive, though it can never be known just what his plans were, for at this juncture he was suddenly stricken down by the hand of death. This occurred on October 26, 1676.* As Bacon was the inspiration of the whole movement against Berkeley, with him died also all systematic effort to obtain redress of grievances.†

Being now without a leader, such of Bacon's supporters as had not dispersed to their homes were taken by Berkeley's troops; and the latter being again restored to power, pursued a course of malignant revenge which not only was disgraceful to his own name and position, but was entirely unnecessary. During the succeeding months, no less than 25 of Bacon's adherents were put to death. Thomas Horsford was hanged, as was also Drummond, formerly governor of the colony of South Carolina.‡ Berkeley's rule was finally marked by so much blood-

* Many historians give this date as October 1, but the 26th seems to be correct.

† Mr. Ware, in his *Memoir of Nathaniel Bacon*, says "there seems no good reason to doubt the purity of his motives, and the singleness and simplicity of his character." Mr. Ware doubts the correctness of the opinion advanced by Hening that Bacon was taken off by poison. See Sparks, *American Biography*, vol. xiii., pp. 239-306; also John Fiske, *Old Virginia and Her Neighbours*, vol. ii., pp. 45-107; Cooke, p. 288 *et seq.*; Edward Eggleston, *Nathaniel Bacon*, in *Century Magazine*, vol. xl.; the documents published in the *Virginia Magazine of History* (1893-8); Mary N. Stanard, *The Story of Bacon's Rebellion* (1908); Burwell, *Narrative of Bacon's Rebellion*, in *Massachusetts Historical Collections*, vol. ii.

‡ Cooke, *Virginia*, p. 295.

* For which see Fiske, vol. ii., p. 78 *et seq.*

† Cooke, *Virginia*, pp. 264-272.

‡ Cooke, chap. xviii.

shed that the Assembly strongly protested and the king's commissioners, who had arrived shortly before to inquire into the rebellion, were shocked and endeavored to put a stop to this wholesale slaughter.* Berkeley's conduct aroused great indignation in England, and King Charles is reported to have exclaimed when news of his doings reached him: "The old fool has taken away more lives in that naked country, than I did here in England for the murder of my father." On April 27, 1677, amid great rejoicing among the people, Berkeley returned to the mother country, and in a short time fell sick and died on July 13, 1677.†

Bacon's rebellion, however, resulted in but little good to the colonists themselves. While they succeeded in securing some trifling concessions in answer to their complaints, the majority of the abuses which had been the primary cause for

the rebellion remained in full force. "Bacon's Laws," which had been enacted by the popular assembly were annulled, the franchise was restricted to freeholders alone and the Assembly chosen by it was only to meet biennially, and even then was not to remain in session for more than a fortnight.* The Navigation laws were now more strictly enforced, which greatly reduced the price of the Virginia staple, tobacco; and, saddled with the additional burden of supporting a body of English troops, and forbidden even to set up a printing press, the Virginians were compelled to bear their burdens as best they might, hoping only that the day of Judgment would soon arrive.

For the next few years the government of the colony very much resembled the government of the mother country, in the rapacity and profligacy of its administrators. In 1680 Culpepper induced Arlington to cede his share of the grant to him. Culpepper had also been invested with the office of governor for life, as the successor of Berkeley. As the spirit of sordid avarice infecting the English court had dictated the petition for these various grants, Culpepper conducted his administration in a similar manner, and in 1680 his conduct was rewarded by banishment from the court to the government of a distant province. He determined to make the

* Howe, *Historical Collections of Virginia*, pp. 78-80.

† Doyle (*English Colonies*, vol. i., pp. 241-257), gives a good resumé of the entire rebellion taken from original documents. See also Bancroft, vol. i., pp. 455-474; the contemporary account by 'T. M.' (*The Beginning, Progress and Conclusion of Bacon's Rebellion in Virginia in the Years 1675 and 1676*), in Force's *Collection of Historical Tracts*, vol. i., no. 8 and in Maxwell's *Virginia Historical Register*, vol. iii.; Hildreth, vol. i., pp. 528-555; *A Narrative of the Indian and Civil Wars in Virginia in the Years 1675 and 1676*, by an unknown writer; *An Account of our late Troubles in Virginia*, by Mrs. Ann Cotton of Q. Creeke; *A Review, Breviaries and Conclusion* by the Royal Commissioners Herbert Jeffreys, John Berry and Francis Morrison, who visited Virginia after the rebellion.

* Hening's *Statutes*, vol. ii., p. 425.

best possible use of his banishment—for his own benefit, and for that of no one else. When he came to the colony he brought with him authority to grant a general amnesty for the recent political offences, and an act for raising additional revenues by increasing the duty. His salary was raised to £2,000, which was double that of Berkeley, and by means of perquisites and peculations he managed materially to increase this sum.* Such a course could not long continue without complaint on the part of the victims, and soon after even the most ardent loyalists began to complain. Symptoms of opposition arose also in the Assembly itself. In 1679 the tobacco crop was so large that part of it remained unsold, and in 1680 the surplus was still greater, so that there was enough to supply the English market for two years. This, of course, led to much misery on the part of the planters, and during 1681 they solicited permission to discontinue the planting of tobacco. The Assembly, however, only had authority to refer the matter to the king, and as it would take several months to receive a reply, the planters took matters into their own hands and proceeded to cut up the tobacco plants. The king refused to allow this cessation of planting, and the price of tobacco fell so low that a whole year's crop would hardly buy

the clothes needed by the people.* These outrages led to several executions, and in order that there might not be any further disturbances of this nature, laws were passed for their repression.

In addition, Culpepper proceeded to inflate the currency, at which the Assembly rebelled. Culpepper drove the members out of the chamber and demanded the records, but Robert Beverly refused to accede to the demand, for which he was imprisoned.† The king would not listen to complaints and the governor "emphasised his opinions with a halter," though some time later the currency was restored to its normal value. The governor was sustained in all his actions, but the burgesses were deprived of their privileges to appoint the clerk of the Assembly, to sit as a high court of appeal, and to send complaints to the king in council.‡ Such a state of affairs could not, however, continue for any great length of time, and after submitting for three years to such conduct on the part of Culpepper, his patent was taken away from him and in its place he was given an annual pension of £600 for twenty years. Thus in July, 1684, the Old Dominion for a third time became a royal province.||

In 1684 Lord Howard of Effingham succeeded Culpepper as lieutenant-

* Bancroft, vol. i., pp. 469-470; Cooke, *Virginia*, p. 299 et seq.

* Bruce, *Economic History of Virginia*, vol. i., p. 402 et seq.

† Howe, *Historical Collections of Virginia*, p. 84.

‡ Hening's *Statutes*, vol. iii., pp. 41, 451-471.

|| Hildreth, vol. i., pp. 558-562.

governor. Charles II. died the following year and James II. appointed Lord Howard governor for life. If such a thing were possible, Howard's conduct was more rapacious than that of his predecessor, Howard far surpassing Culpepper in extorting money. In 1687 a court of chancery was established, and of this the governor declared himself to be the sole judge.* In addition new fees were levied and old ones greatly increased. A frigate was stationed at the entrance to the harbor to enforce observation of the navigation laws, and in England an additional excise duty was laid on all imports of tobacco, which only tended to discourage the tobacco-growing industry. The governor's conduct toward the Assembly now became more and more arbitrary, until hardly a shadow of popular liberty remained. It were hardly possible that such conditions should not bring on symptoms of insubordination, not only among the people, but also in the body of the Assembly. The latter presumed to question the right of the governor to veto a tax, and for such presumption was summarily dismissed by order of the king.† But this did not for a moment deter the Virginians from pursuing a course which ultimately resulted in the complete overthrow not only of the royal governors but also of the authority of the king on the North

American continent. Therefore, the next Assembly in 1688 made such a decided effort to maintain its privileges that the governor, relying on the support of the king, and after a brief experience of its temper, determined to dissolve the Assembly upon his own authority. That body, however, sent Ludwell, a man formerly prominent among the most influential loyalists, to England to lay the case before the king.* The cause of the colonists was so just that James II. realized that Lord Howard had gone too far, and therefore advised him to enjoy the salary and honors of his office at home and leave the active management of affairs in the colony to a deputy.

Meanwhile, Philip Calvert had become firmly established in his government in Maryland (1660). Soon afterward the proprietor sent over his only son, Charles Calvert, to be governor, making his brother Philip deputy-lieutenant and chancellor. For a time thereafter matters progressed prosperously and harmoniously. The settlement gradually increased in area, population and wealth, and the prospect for continuous growth was bright. A mint was set up at this time and continued in operation for the next thirty years.† In 1664 Lord Baltimore made an attempt to establish his claim to jurisdiction up to the banks of the Delaware, but the offi-

* Bancroft, vol. i., p. 473.

† *Ibid.*, p. 473.

* Doyle, *English Colonies*, vol. i., pp. 263-266.

† Hildreth, vol. i., p. 517.

cers of the Duke of York refused to allow this claim, and in their opposition were equally as stubborn as the Dutch had been when they were masters in New Netherlands.* In Maryland, as in Virginia, tobacco was the principal article produced, and the introduction of slave labor gave a great impulse to the industry; but, on the other hand, the enactment of the Navigation Act cut off a valuable revenue to the colony from the impost of tobacco exported in Dutch vessels. A tax of two shillings per hogshead was laid on all tobacco exported, one-half of the proceeds being used to defray colonial expenses and the other half appropriated as a personal revenue to the proprietor.†

At this period of her existence Maryland had been a source of more profit to the proprietary than any of the other American colonies, which was chiefly due to the wise and prudent measures of Baltimore, who in his old age was able to receive a handsome return for the money which he had put out in establishing the colony. In 1675, at the time of his death, the province was divided into ten counties and contained about 16,000 inhabitants, of whom the larger part were Protestants. As this was the case, and as the clergy of Maryland had no settled incomes like the clergy in Virginia, the Rev. Mr. Yeo of Patuxent wrote a letter to the Arch-

bishop of Canterbury complaining of this, in addition complaining of the low state of morals in the colony. He said because they received no stated salary their position was not as respectable as that of their Virginia brethren nor so well calculated to effect good as it ought to be.* After Lord Baltimore's death, his successor, Charles Calvert, went to England, and the Bishop of London, in whose jurisdiction the colonies were placed, made earnest endeavors to induce Lord Baltimore to provide maintenance for the Church of England clergy in the colony. Baltimore resisted this claim for some time, but yielded in the end. Popular feeling, however, was now unfavorable to the Catholics, not only in England but also in the colony, and Charles II. sent instructions to the colony that the possession of office should be confined to Protestants alone, which was an assumption of authority on his part entirely unauthorized by the terms of the charter granted to the first Lord Baltimore, in which the crown had no authority or control over the proprietary. Nevertheless, the instructions of the king received little attention in the colony.

While Baltimore was in England, the Protestants of the colony attempted to raise a rebellion because of the fact that the proprietary was a Catholic. In 1680 the new proprietor, Charles Calvert, had secured the en-

* *The South in the Building of the Nation*, vol. i., pp. 162-163.

† Browne, *Maryland*, pp. 116-118.

* *Ibid.* p. 129.

actment of a law whereby only those possessing freeholds of 50 acres, or other property worth £40, could claim the rights of suffrage. This created some little excitement, and at the same time the people were wrought up over the boundary dispute with Penn and the Navigation Act, which compelled the planters to sell their tobacco in English ports only. Moreover, the majority of the Protestants were members of the Church of England and bitter against the Puritans and other Dissenters as well as Catholics, and they thought the toleration act impious. The time was ripe therefore for a revolt, and Josiah Fendall, the former governor, took the lead in the matter. Having already had some experience in civil strife of this nature, he intrigued with a retired clergyman, John Coode, and obtained also the aid of some Virginians, but the proprietor hastened his return and shortly succeeded in putting an end to the insurrection. Fendall was then arrested, and upon his trial was found guilty of sedition and banished.*

The accession of James II. was by no means favorable to Baltimore. On the contrary, James was much disposed in favor of William Penn, and when Baltimore began his quarrel over the boundaries between Maryland and Pennsylvania, he was compelled to yield to the claim

of Penn.* Shortly after this, the king exhibited further hostility to Baltimore, when despite his remonstrances and appeals, he issued a writ of *quo warranto* against the Maryland charter. In 1688, therefore, Baltimore went to England to defend his rights, but before the dispute had been settled, James II. abandoned the throne, and all colonial matters were on an entirely different basis.

The news of the accession of William and Mary reached Virginia first of all the colonies, but the Council were slow to act upon it, in spite of the wishes of the people who feared a Catholic dynasty, and it was not until May, 1689, that William and Mary were proclaimed the "lord and lady of Virginia." At the same time, there was considerable commotion in Maryland against the Roman Catholics. This afterward became known as the "Protestant Revolution." It had been rumored that those in authority had secretly combined with the Indians — with whom a treaty of peace had been renewed in March — to massacre all the Protestants,† and

* For details of which see Browne, *Maryland*, pp. 133-144; *The South in the Building of the Nation*, vol. i., pp. 164-165.

† Hildreth, vol. ii., p. 115. "The history of the Protestant revolution in 1689 has never yet been fully written. But there is evidence upon the records of the English government to show it was the result of a panic, produced by one of the most dishonorable falsehoods which has ever disgraced any religious or any political party — by the story, in a few words, that the Roman Catholics had formed a conspiracy with the Indians to massacre the Protestants!" George L. L. Davis, *Day-Star of American Freedom*, p. 87.

* Browne, *Maryland*, p. 132; Bancroft, vol. i., p. 439 *et seq.*

in April, 1689, under the leadership of John Coode, who had been associated with Fendall in his insurrection, organized the "Association for the Defence of the Protestant Religion." General dissatisfaction had been caused by the delay of the council in proclaiming William and Mary, and as this dissatisfaction grew and the longer the council delayed, the greater were Coode's chances of success. A convention called by Coode and his confederates met in August and proceeded to depose Lord Baltimore and to proclaim the new king and queen. They also adopted an address congratulating William and Mary, and as William seemed to favor the insurrectionists, Maryland for the next three years was forced to undergo all the hardships of a provincial government. As Chalmers says, "William did not reflect, because his mind was occupied only with schemes of influence and conquest; that in order to gain present

power, he gave his assent to transactions, which, while they deprived an individual of his rights contrary to law, engendered a spirit of revolt, that, in after times, would shake the throne on which he then sat." * In 1691, the king declared Maryland under the government of the crown, but the proprietary rights of Charles, Lord Baltimore, were not disturbed. The king confirmed his "quit-rents, his ownership of vacant lands, his port duty of fourteen pence per ton on all foreign vessels trading to the province, and his one-half of the tobacco duty of two shillings per hogshead," thereby reducing Baltimore to a simple trader and landlord.

* *Introduction to the History of the Revolt of the American Colonies*, vol. i., p. 205. See also F. E. Sparks, *Causes of the Maryland Revolution of 1689*, in *Johns Hopkins University Studies in Historical and Political Science*, series xiv., nos. xi.-xii.; Browne, *Maryland*, pp. 150-156; Fiske, *Old Virginia*, vol. ii., pp. 159-162; Doyle, *English Colonies in America*, vol. i., pp. 314-323; Hildreth, vol. ii., p. 117 et seq.

CHAPTER XIII.

1630-1690.

FOUNDING AND SETTLEMENT OF THE CAROLINAS.

Patent granted to Sir Robert Heath — Grant to Roger Greene and other settlers — The proprietaries — Provisions of the charter — Settlement at Albemarle — Clarendon — First laws enacted — Quaker settlement — The "Grand Model" — Emigrants under Sayle — Intrigues of the Spaniards — Discontent among the colonists — Governors of Carolina — Culpepper's insurrection — Seth Sothel appointed governor — The buccaneers — Quo Warranto issued against the proprietaries — Quarrel between Governor Colleton and the Assembly — Sothel deposes Colleton and becomes governor. Appendix to Chapter XIII.—Charter of Carolina.

Up to this time neither France nor Spain had succeeded in making any permanent settlements of value in the region now included in the States of

North Carolina and South Carolina, although neither country had relinquished its claims to the territory. Small settlements had been made

here and there along the coast, but further than that no progress had been made. Raleigh and Gilbert had produced no permanent results by their efforts at colonization, nor did the patent which was granted by Charles I. in 1630 to Sir Robert Heath* for a tract to the southward of Virginia, to be called Carolana, lead to any permanent settlement. Subsequently the Heath patent was declared void by an order in council, August 12, 1663,† as the conditions under which it had been granted had not been fulfilled. During the next fifteen or twenty years various bands of emigrants settled in the region. In 1653 a number of people, suffering from the religious intolerance in Virginia, and under the leadership of Roger Greene, fled from that colony and settled on the banks of the Chowan, north of Albemarle Sound. Greene had obtained a grant of 10,000 acres for the first one hundred persons who should settle on Roanoke River, south of Chowan and 1,000 acres for himself, "as a reward for his own discovery and for his en-

couragement of the settlement."* This became the nucleus of North Carolina. In 1662 Greene was followed by George Durant (generally called a Quaker, although he evidently was not†) who began a settlement in the Perquimans precinct, just east of Chowan. About 1660 a party of adventurers from New England settled near the mouth of Cape Fear River, but as the land was not productive, and the neighboring Indians were not well disposed, in 1663 the greater part of these emigrants returned home. Upon departing they affixed to a post a "scandalous writing, * * * the contents whereof tended not only to disparagement of the land about the said river, but also to the great discouragement of all such as should hereafter come into these parts to settle." Those who remained soon fell into great distress, and in 1667, upon representation of their condition to the Massachusetts colony, contributions of all kinds were sent to their relief.‡

Shortly after the Restoration, a body of noblemen, among whom were Edward Hyde (Earl of Clarendon), George Monk (Duke of Albemarle), Lord John Berkeley, Lord Craven, Anthony Ashley Cooper (afterward

* *North Carolina Records*, vol. i., p. 5.

† *Shaftsbury Papers, Collections of South Carolina Historical Society*, vol. v., p. 9. That the revocation of the Heath patent was illegal is evidenced by the facts that the claims of Daniel Coxe of New Jersey (who had come into possession of the rights existing under the patent) were twice acknowledged to be valid by the Board of Trade, and that in 1768 the heirs of Coxe, in settlement of their claims, received 100,000 acres in Tioga and Oneida counties, New York. *North Carolina Records*, vol. i., p. 519; *New York Colonial Documents*, vol. vii., p. 414.

* *The South in the Building of the Nation*, vol. i., p. 414.

† See Weeks, *Southern Quakers and Slavery*, p. 33.

‡ Lawson, *A Description of North Carolina*, pp. 72-74; Bancroft, vol. i., p. 409; Hutchinson, *History of Massachusetts*, vol. i., p. 260, footnote; Hawks, *History of North Carolina*, vol. ii., p. 72.

Earl of Shaftesbury), Sir George Carteret, Sir John Colleton, and Sir William Berkeley, governor of Virginia, excited by "a laudable and pious zeal for the propagation of the Gospel, begged a certain country in the parts of America not yet cultivated and planted, and only inhabited by some barbarous people, who have no knowledge of God." * In March, 1663, Charles II. granted their petition for some territory south of the Chesapeake, and erected a province called Carolina, which embraced the region between 31° and 36° N. Lat., or from Albemarle Sound, southward to the St. John's River, and westward to the Pacific.† Under this charter the proprietaries were empowered to enact and publish any laws which they should judge necessary, with the assent, advice, and approbation of the freemen of the colony; to erect courts of judicature, and appoint civil judges, magistrates and officers; to erect forts, castles, cities and towns; to make war, and, in cases of necessity, to exercise martial law; to build harbors, make ports

and enjoy customs and subsidies, imposed with the consent of the freemen, on goods loaded and unloaded. One of the provisions of this charter deserves particular notice. The king authorized the proprietaries to allow the inhabitants of the province such indulgences and dispensations in religious affairs as they should think proper and reasonable; and no person to whom such liberty should be granted was to be molested, punished, or called in question for opinions concerning religion, provided such person did not disturb the civil order and peace of the community.*

To those persons from New England and Virginia who had already settled in the territory, the proprietaries offered liberal terms as an inducement to stay, allowing 100 acres of land to every free settler, liberty of conscience and a share in the government.† But the colony at Cape Fear, in spite of these liberal terms, did not prove successful, nor were further emigrants from New England attracted to the new province.

The territory which the Virginians had settled, together with the surrounding county, was named Albemarle, and as the Virginians were supposed to be somewhat more facile

* Of the original grantees, Colleton died in 1666, Albemarle in 1669, and Clarendon in 1674. John Berkeley after five years took no interest in the affairs of the colony and Cooper seems to have been the only one who devoted himself seriously to the work of colonization, and he for only a limited period. The Earl of Craven survived all the other grantees.—McCrary, *South Carolina under Proprietary Government*, p. 269.

† *The South in the Building of the Nation*, vol. i., p. 421. For text see Thorpe, *Federal and State Constitutions*, vol. v., pp. 2743-2753; *N. C. Col. Recs.*, vol. i., pp. 20-33. See also Appendix at the end of the present chapter.

* In 1665 the charter was recast, the only difference being that the limits of the territory were extended and more precisely defined.

† Hildreth, vol. ii., p. 26. For text of the proposals of the Proprietors to settlers, see Thorpe, *Federal and State Constitutions*, vol. v., pp. 2753-2756; *N. C. Col. Recs.*, vol. i., pp. 43-46.

than the New Englanders, Berkeley received instructions to be somewhat less liberal in his concessions. The latter had been placed in command of the territory in 1664, and as he was better able to judge of the temper of the Virginians than the proprietaries, he deemed it expedient to act with extreme caution toward the Virginians. He therefore made the tenure of land as easy as possible, consistent with instructions from the proprietaries. To the governorship was appointed William Drummond (the same man who later participated in Bacon's rebellion) and thereafter Berkeley made no attempt to interfere with the concerns of the settlers. Regarding the spiritual interests of the colonists, the proprietaries made no provision, nor was any attempt made to convert the Indians, although the propagation of the Gospel had been one of the professed objects in asking a grant of territory.*

An agreement was now entered into between the proprietaries and some planters from Barbadoes, that the latter should remove to the Cape Fear River, near the settlement which had been neglected and abandoned by the New Englanders.† This territory was named Clarendon, and in May, 1665, Sir John Yeamans was appointed to the governorship of the

new district. Among his instructions was one to "make things easy to the people of New England, from which the greatest emigrations were expected"; and so wisely did Yeamans carry out his instructions that the remains of the old settlement were soon incorporated with the Clarendon colony. Yeamans also opened a profitable trade in boards and shingles with Barbadoes, and conducted his affairs in relation to the colony with remarkable prudence and a fair measure of success. The settlement was afterward absorbed by that of the English at Charlestown, which finally grew into South Carolina.*

Upon receiving reports of conditions in Carolina, and upon further acquaintance with the geography of that region, the proprietaries became anxious to acquire still further territory. In June, 1665, therefore, they succeeded in obtaining a second charter† which extended the limits of Carolina southward two degrees and northward thirty minutes, and by an additional grant in 1667, the Bahama Islands were also conveyed to the same proprietaries. The settlement at Albemarle continued to receive accessions from Virginia and New England, and in 1669, under Samuel Stephens, who succeeded Drummond as governor, the first laws were en-

* Doyle, *English Colonies in America*, vol. i., p. 332 *et seq.*; Bancroft, vol. i., p. 411.

† For text see Thorpe, *Federal and State Constitutions*, vol. v., pp. 2756-2761; *N. C. Col. Recs.*, vol. i., pp. 79-86.

* See Doyle, *English Colonies*, vol. i., p. 351. See also John Lawson, *Description of North Carolina*; Bancroft, vol. i., pp. 411-412.

† For text see Thorpe, *Federal and State Constitutions*, vol. v., pp. 2761-2771; *N. C. Col. Recs.*, vol. i., pp. 102-114.

acted by an assembly consisting of the governor and council, and twelve delegates chosen by the settlers.* A few years later the settlers were confirmed in the possession of their lands by an act of the proprietaries, and they were given the right also to nominate five councillors in addition to the five named by the proprietaries. At about this same time, George Fox, founder of the Quaker sect, visited the settlement at Albemarle, and by his preaching gave a strong impulse to Quakerism in that vicinity.

It was now highly desirable that the territory in charge of the proprietaries should have a settled form of government, and the drafting of a code of laws for the territory was intrusted to Shaftesbury. In this task he was aided by the famous John Locke, who in 1669 promulgated his "Grand Model," a scheme of great theoretical, but little practical value. The original copy was revised and a clause inserted against the wishes of Locke, declaring that, while there should be complete religious toleration in the colony, the Church of England was to be the national religion of Carolina, and that it alone was to receive grants for maintenance from the colonial assembly. This revised model was not signed until March, 1670.† It was never carried into

effect, and in fact was not applicable to the infant colony.* The following are its chief provisions:

"The eldest of the eight proprietors was always to be palatine, and at his decease was to be succeeded by the eldest of the seven survivors. This palatine was to sit as president of the palatine's court, of which he and three more of the proprietors made a quorum, and had the management and execution of all the powers in their charter. This palatine's court was to stand in room of the king, and give their assent or dissent to all laws made by the legislature of the colony. The palatine was to have power to nominate and appoint the governor, who, after obtaining the royal approbation, became his representative in Carolina. Each of the seven proprietors was to have the privilege of appointing a deputy, to sit as his representative in parliament, and to act agreeably to his instructions. Besides a governor, two other branches, somewhat similar to the old Saxon constitution, were to be established — an upper and lower House of Assembly; which three branches were to be called a parliament, and to constitute the legislature of the country. The parliament was to be chosen every two years. No act of the legislature was to have any force unless ratified in open parliament during the same session, and even then to continue no longer in force than the next biennial parliament, unless in the mean time it be ratified by the hands and seal of the palatine and three proprietors. The upper House was to consist of the seven deputies, seven of the oldest landgraves, and caciques and seven chosen by the Assembly. As in the other provinces, the lower House was to be composed of the representatives from the different counties and towns. Several officers were also to be appointed, such as an admiral, a secretary, a chief justice, a surveyor, a treasurer, a marshal, and register; and besides these each county was to have a sheriff, and four justices of the peace. Three classes of nobility were to be established, called barons, caciques and landgraves; the first

* Thwaites says: "The plan was the dream of an aristocrat; it was an attempt to reproduce the thirteenth century in the seventeenth; it was artificial and unwieldy. While the rough backwoods-men could not grasp its intricacies or understand its mediæval terms, they instinctively felt it to be a useless bit of constitutional romancing, and would have little to do with it."—*The Colonies*, p. 91.

* *North Carolina Records*, vol. i., pp. 183, 238. For the provisions of these acts see Williamson, *History of North Carolina*, vol. i., p. 120 *et seq.*

† Bancroft, vol. i., p. 419.

to possess twelve, the second twenty-four, and the third forty-eight thousand acres of land, and their possessions were to be unalienable. Military officers were also to be nominated, and all inhabitants from sixteen to sixty years of age, as in the times of feudal government, when summoned by the governor and grand council, were to appear under arms, and in time of war, to take the field. With respect to religion, three terms of communion were fixed; first, to believe that there is a God; secondly, that he is to be worshipped; and thirdly, that it is lawful, and the duty of every man, when called upon by those in authority, to bear witness to the truth, without acknowledging which no man was to be permitted to be a freeman, or to have any estate or habitation in Carolina. But persecution for observing different modes and ways of worship was expressly forbidden, and every man was to be left full liberty of conscience, and might worship God in that manner which he in his private judgment thought most conformable to the Divine will and revealed Word. Every freeman of Carolina was declared to possess absolute power and authority over his negro slaves, of what opinion or religion soever." *

Meanwhile, the colonists themselves were enacting such legislation as necessity required, and were not disposed to favor any act on the part of the proprietaries with which they

* The first draft of the Fundamental Constitutions is printed in Carroll's *Historical Collection of South Carolina*, vol. ii., p. 361. They are also printed in Locke's *Works*, vol. ix., pp. 175-199 (London, 1824); Thorpe, *Federal and State Constitutions*, vol. v., pp. 2772-2786; *N. C. Col. Recs.*, vol. i., pp. 187-205. Prof. J. S. Bassett gives a good analysis of them in his *The Constitutional Beginnings of North Carolina*, in *Johns Hopkins University Studies in Historical and Political Science*, series xii., no. iii., pp. 97-169. See also E. L. Whitney's article on the *Government of the Colony of South Carolina* in *J. H. U. Studies*, series xiii., nos. i.-ii., pp. 1-121; Doyle, *English Colonies in America*, vol. i., pp. 334-340; Winsor, *Narrative and Critical History*, vol. v., p. 291; Fiske, *Old Virginia and Her Neighbours*, vol. ii., p. 273 *et seq.*; Osgood, *American Colonies*, vol. ii., p. 208 *et seq.*; Hildreth, vol. ii., pp. 29-33; Bancroft, vol. i., p. 412 *et seq.*

could easily dispense. In January, 1670, after a long delay, three vessels were sent out with a body of emigrants, under the command of Captain William Sayle, who had some years previously been employed in preliminary explorations. The sum of £12,000 was spent in providing necessaries for the plantation of the colony.* After touching at Port Royal, where they found traces of the fort erected by the Huguenots, they continued on, finally settling at a spot between two rivers, which they called the Ashley and the Cooper, the family names of Lord Shaftesbury, and here they laid the original foundation of Charleston. Some years afterward they removed to the site of the present city. Before their removal, however, Sayle died, and his place was temporarily filled by Joseph West, from March, 1671, until April 29, 1672, when he was succeeded by Sir John Yeamans, governor of Clarendon. The latter now introduced a body of negroes from Barbadoes, subsequently recruited so largely that they finally outnumbered the whites. Slave labor thus became established in Carolina.† The proprietaries established a separate government over Albemarle, and in this way the two colonies came to be known as North and South Carolina.

* For the schemes of the proprietors see Doyle, vol. i., p. 352 *et seq.*

† Rivers, *Sketch of the History of South Carolina to the close of the Proprietary Government*, pp. 109-111.

In addition to the trials and distress which attended their first efforts, the colonists here were subjected to intrigues and assaults by the Spaniards at Fort Augustine. The latter sent emissaries among the settlers at Ashley River, in hope of moving them to revolt; they encouraged indentured servants to abandon their masters and fly to the Spanish territory; and they also instilled in the Indian minds the most unfavorable notions concerning the English, with the final result that they took up arms against the English in an effort to exterminate the whole settlement. As was only natural, therefore, discontent and insubordination were the fruits of the trials and hardships to which the colonists had been exposed, and consequently various insurrectionary movements were begun, but these were easily suppressed by the governor. In 1672 the Spanish garrison at Fort Augustine received intelligence of these dissensions, and a party of their military advanced from that fortress as far as the Island of St. Helena, to dislodge or destroy the settlers. But a party of 50 volunteers, under command of Colonel Godfrey, was sent against them, whereupon they evacuated the island and retreated to their fort. At about this same time, and during the governorship of Sir John Yeamans, two ship loads of Dutch emigrants came from New York. The proprietaries encouraged the settlement of

this territory by the Dutch, and made very liberal offers of land and other privileges.

For several years after their arrival in America, the colonists in Carolina were dependent upon the proprietaries in England, and considerable supplies and provisions and stores were sent to them; but the proprietaries finding that, instead of any indications of repayment with a corresponding profit, they received demands for further supplies, became discouraged with a result so contrary to their sanguine expectations. Mutual dissatisfaction began, and the intercourse between the colonists and the proprietaries became bitter, the colonists being the only ones benefited, as they were led to depend upon themselves, and on their own resources. To the mismanagement of Sir John Yeamans was ascribed much of the responsibility for the failure of the enterprise. In 1674 he was compelled by the state of his health to resign the office of governor, thus according to some authorities relieving the proprietaries of the necessity of dismissing him.* The council thereupon appointed Joseph West as his successor, and for some years thereafter there were continual changes in the office of governor; West being followed in 1682

* Ill-health served at least as a pretext for the change, but undoubtedly Yeamans was removed because of the unsatisfactory manner in which he conducted the office of governor.—Doyle, *English Colonies in America*, vol. i., pp. 355-356; Hildreth, vol. ii., p. 35.

by Joseph Morton, in 1684 by Sir Richard Kyrle, who in the same year was replaced by Robert Quarry. In 1685 West once more became governor, but the same year again gave way to Morton, he in turn being superseded in 1686 by James Colleton, a brother of the proprietor. Despite these changes, however, the population of the colony steadily increased. A large number of emigrants came to the colony from England, and in 1679 Charles II. sent over a band of French Protestants to introduce the cultivation of the grape and olive, and the breeding of silk worms. Some Scotchmen also emigrated, and many of the Huguenots who migrated to America after the Edict of Nantes, came to settle on the banks of the Santee.*

In 1674, shortly after the death of Stephens, the governor of Albemarle, or North Carolina, the Assembly elected George Cartwright to the vacant office. As the limits of the settlement were doubtful under the Grand Model, Cartwright, accompanied by the new speaker of the assembly, Thomas Eastchurch, sailed for England to lay the case before the proprietaries. At the same time Thomas Miller, one of the prominent men of the colony, who had been accused of sedition but acquitted, also repaired to London to lay his complaints before the proprietaries; and

as his treatment was disapproved of, he was rewarded for his troubles with the office of secretary to the colony. In November, 1676, Eastchurch was appointed governor, but on his return to the colony, was delayed by his marriage in the West Indies. Miller, however, proceeded without Eastchurch, and immediately upon his arrival in the colony he began to enforce the provisions of the obnoxious Navigation Act, which pressed heavily upon the commerce of the colony.* In December, 1677, public discontent broke out into an insurrection, the leader of which was John Culpepper. Miller was imprisoned and Culpepper appointed governor; a popular assembly was established; £3,000 of the customs revenue was seized and applied to the support of the revolutionary government; and when Eastchurch arrived from the West Indies, the people refused to submit to his authority. Three years later, in 1680, the people, confident in the justice of their cause, sent Culpepper to England to obtain the consent of the proprietaries to the recent changes. Miller, however, in the meantime succeeded in escaping and had gone to England, and charged Culpepper who was about to embark for the colony, with treason for having appropriated the customs revenue without the authority of the king. However, Shaftesbury himself de-

* Bancroft, vol. i., pp. 432-434; *The South in the Building of the Nation*, vol. ii., p. 8.

* *North Carolina Records*, vol. i., p. 326; Bancroft, vol. i., p. 424.

fended Culpepper against the accusation, basing his plea on the ground that the offence was not toward the crown, but toward the planters. This plea was so successfully urged that Culpepper was acquitted by the jury.*

In 1683, as the proprietaries had found it useless to attempt to carry out the "model" by force, they agreed to a compromise with the settlers and appointed a new governor, Seth Sothel. During the next five years Sothel pillaged both the proprietaries and the colonists, until, in 1688, the Assembly deposed him, banished him from the colony for a year, and compelled him to adjure the government for ever.† He then went to South Carolina and engaged in the factional disputes there.

During the five years from 1680 to 1685, when the changes in the office of governor were so frequent in South Carolina, the far famed buccaneers came to Charleston to purchase provisions, and the people, whether from fear or a culpable interest, not only sold them whatever provisions were necessary, but even

encouraged their visits. This body of freebooters had sprung up in the West Indies where the Spaniards had once destroyed their haunts, but during the war with Spain, they had once again appeared and had obtained commissions to attack the Spanish settlements in America. One of their leaders had even been knighted by Charles II., and another created governor of Jamaica. But when the war with Spain had ended, the English government could no longer countenance them, and expressed a desire to see them most effectually suppressed. Nevertheless, the governor of the colony connived at and even encouraged their visits, and for a long time they successfully engaged in many daring enterprises with impunity.*

In addition to the connivance with free-booters, the colonists carried on a border warfare with the Indians, selling those who were captured to planters in the West Indies — directly contrary to the orders of the proprietaries. This only tended to widen the breach between the colonists and the proprietaries, and as the former were equally as stubborn as the New Englanders in refusing to submit to the collection of revenue and the enforcement of acts of trade, the king, in 1685, ordered that a writ of *quo warranto* be issued against their charter. In the colony itself there was great difference of opinion re-

* For details of this rebellion see Hawks, *History of North Carolina*, vol. ii., pp. 463-483; Osgood, *American Colonies*, vol. ii., pp. 237-241; Hildreth, vol. ii., p. 39 *et seq.*; Bancroft, vol. i., pp. 424-426; *The South in the Building of the Nation*, vol. i., pp. 428-429.

† Osgood, *American Colonies*, vol. ii., p. 241; Doyle, *English Colonies in America*, vol. i., pp. 340-343. Fiske says that he "proved himself one of the dirtiest knaves that ever held office in America," and cites instances of his misrule.—*Old Virginia*, vol. ii., p. 28 *et seq.* See also Bancroft, vol. i., p. 427.

* See S. C. Hughson, *The Carolina Pirates and Colonial Commerce in J. H. U. Studies*, series xii., nos. v., vi., vii.

garding the disputed points, one faction favoring absolute control by the proprietaries, the other favoring independent legislation. In 1686 Governor Morton, who was unable to satisfy either faction, was superseded by James Colleton, under whom the dispute broke out into an open quarrel, the Assembly refusing to accept the "grand model." They insisted that they had only accepted that modification of it originally proposed to them, and proceeded to draw up another body of laws in substitution.

Colleton was unsuccessful in his attempt to enforce the payment of quit-rents due to the proprietaries, and his proclamation of martial law was treated with contempt. In 1690, in the midst of these troubles, appeared Seth Sothel, who had been banished from Albemarle. Taking his place at the head of the opposition, he called a new Assembly and deposed and banished Colleton, installing himself in his place.* After this dispute, peace reigned for some time, and the colony began to make rapid progress.

APPENDIX TO CHAPTER XIII.

CHARTER OF CAROLINA—1663.

CHARLES the Second, by grace of God, king of England, Scotland, France, and Ireland, Defender of the Faith, &c., To all to whom these present shall come: Greeting:

1st. Whereas our right trusty, and right well beloved cousins and counsellors, Edward Earl of Clarendon, our high chancellor of England, and George Duke of Albemarle, master of our horse and captain general of all our forces, our right trusty and well beloved William Lord Craven, John Lord Berkley, our right trusty and well beloved counsellor, Anthony Lord Ashley, chancellor of our exchequer, Sir George Carteret, knight and baronet, vice chamberlain of our household, and our trusty and well beloved Sir William Berkley, knight, and Sir John Colleton, knight and baronet, being excited with a laudable and pious zeal for the propagation of the Christian faith, and the enlargement of our empire and dominions, have humbly besought leave of us, by their industry and charge, to transport and make an ample colony of our subjects, natives of our kingdom of England, and elsewhere within our dominions, unto a certain country hereafter described, in the parts of America not yet cultivated or planted, and only inhabited by some barbarous people, who have no knowledge of Almighty God.

2d. And whereas the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord

Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, have humbly besought us to give, grant and confirm unto them and their heirs, the said country, with privileges and jurisdictions requisite for the good government and safety thereof: Know ye, therefore, that we, favouring the pious and noble purpose of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, of our special grace, certain knowledge and meer motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant, and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, all that territory or tract of ground, situate, lying and being within our dominions of America, extending from the north end of the island called Lucke island, which lieth in the

* For the details of this dispute see Doyle, *English Colonies in America*, vol. i., pp. 358-363; Rivers, *Early History of South Carolina*, p. 145 et seq.; Osgood, *American Colonies*, vol. ii., pp. 222-225.

southern Virginia seas, and within six and thirty degrees of the northern latitude, and to the west as far as the south seas, and so southerly as far as the River St. Matthias, which bordereth upon the coast of Florida, and within one and thirty degrees of northern latitude, and so west in a direct line as far as the south seas aforesaid; together with all the singular ports, harbours, bays, rivers, isles and islets belonging to the country aforesaid; and also all the soil, lands, fields, woods, mountains, fields, lakes, rivers, bays and islets, scituate or being within the bounds or limits aforesaid, with the fishing of all sorts of fish, whales, sturgeons, and all other royal fishes in the sea, bays, islets and rivers within the premises, and the fish therein taken; and moreover all veins, mines, quarries, as well discovered as not discovered, of gold, silver, gems, precious stones, and all other whatsoever, be it of stones, metals, or any other thing whatsoever, found or to be found within the countries, isles and limits aforesaid.

3d. And furthermore, the patronage and advowsons of all the churches and chappels, which as Christian religion shall increase within the country, isles, islets and limits aforesaid, shall happen hereafter to be erected, together with license and power to build and found churches, chappels and oratories, in convenient and fit places, within the said bounds and limits, and to cause them to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, together with all and singular the like, and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities and franchises of what kind soever, within the countries, isles, islets and limits aforesaid.

4th. To have, use, exercise and enjoy, and in as ample manner as any bishop of Durham in our kingdom of England, ever heretofore have held, used or enjoyed, or of right ought or could have, use, or enjoy. And them, the said Edward Earl of Clarendon, George Duke of Albermarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, we do by these presents, for us, our heirs and successors, make, create and constitute the true and absolute Lords Proprietors of the country aforesaid, and of all other the premises; saving always the faith, allegiance and sovereign dominion due to us, our heirs and successors, for the same, and saving also the right, title and interest of all and every our subjects of the English nation, which are now planted within the limits and bounds aforesaid (if any be). To have,

hold, possess and enjoy the said country, isles, islets, and all and singular other the premises, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns forever, to be holden of us, our heirs and successors, as of our manner of East Greenwich in our county of Kent, in free and common soccage, and not in capite, or by knight service; yielding and paying yearly to us, our heirs and successors, for the same, the yearly rent of twenty marks of lawful money of England, at the feast of All Saints, yearly forever, the first payment thereof to begin and to be made on the feast of All Saints, which shall be in the year of our Lord one thousand six hundred and sixty-five and also the fourth part of all gold or silver ore, which, within the limits aforesaid, shall from time to time happen to be found.

5th. And that the country, thus by us granted and described, may be dignified by us with as large titles and privileges as any other part of our dominions and territories in that region, Know ye, that we of our further grace, certain knowledge, and meer motion, have thought fit to erect the same tract of ground, county, and island, into a province, and out of the fulness of our royal power and prerogative, we do, for us, our heirs and successors, erect, incorporate and ordain the same into a province, and call it the Province of Carolina, and so from henceforth will have it called; and forasmuch as we have hereby made and ordained the aforesaid Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, the true lords and proprietors of all the province aforesaid; Know ye, therefore moreover that we, reposing especial trust and confidence in their fidelity, wisdom, justice and provident circumspection, for us, our heirs and successors, do grant full and absolute power, by virtue of these presents, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, for the good and happy government of the said province, to ordain, make, enact, and under their seals to publish any laws whatsoever, either appertaining to the publick state of the said province, or to the private utility of particular persons, according to their best discretion, of and with the advice, assent

and approbation of the freemen of the said province, or of the greater part of them, or of their delegates or deputies, whom for enacting of the said laws, when and as often as need shall require, we will that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, shall from time to time assemble in such manner and form as to them shall seem best, and the same laws duly to execute upon all people within the said province and limits thereof, for the time being, or which shall be constituted under the power and government of them or any of them, either sailing towards the said province of Carolina, or returning from thence towards England, or any other of our, or foreign dominions, by imposition of penalties, imprisonment or any other punishment; yea, if it shall be needfull, and the quality of the offence requires it, by taking away member and life, either by them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, or by them or their deputies, lieutenants, judges, justices, magistrates, officers and members to be ordained or appointed according to the tenor and true intention of these presents; and likewise to appoint and establish any judges or justices, magistrates or officers whatsoever, within the said province, at sea or land, in such manner and form as unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton and their heirs shall seem most convenient; also, to remit, release, pardon and abolish (whether before judgment or after) all crimes and offences whatsoever, against the said laws, and to do all and every other thing and things, which unto the compleat establishment of justice unto courts, sessions, and forms of judicature and manners of proceedings therein do belong, although in these presents express mention be not made thereof; and by judges and by him or them delegated, to award process, hold pleas, and determine in all the said courts, and places of judicature, all actions, suits and causes whatsoever, as well criminal or civil, real, mixt. personal, or of any other kind or nature whatsoever; which laws, so as aforesaid to be published, our pleasure is, and we do require, enjoin and command, shall be absolute, firm and available in law, and that all the

liege people of us, our heirs and successors, within the said province of Carolina, do observe and keep the same inviolably in those parts, so far as they concern them, under the pains and penalties therein expressed, or to be expressed: *Provided nevertheless*, that the said laws be consonant to reason, and as near as may be conveniently, agreeable to the laws and customs of this our kingdom of England.

6th. And because such assemblies of freeholders cannot be so conveniently called, as there may be occasion to require the same, we do, therefore, by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves or their magistrates, in that behalf lawfully authorized, full power and authority from time to time to make and ordain fit and wholesome orders and ordinances, within the province aforesaid, to be kept and observed as well as for the keeping of the peace, as for the better government of the people there abiding, and to publish the same to all to whom it may concern; which ordinances, we do by these presents straightly charge and command to be inviolably deserved within the said province, under the penalties therein expressed, so as such ordinances be reasonable, and not repugnant or contrary, but as near as may be, agreeable to the laws and statutes of this our kingdom of England, and so as the same ordinances do not extend to the binding, charging, or taking away of the right or interest of any person or persons, in their freehold, goods or chattels whatsoever.

7th. And to the end the said province may be more happily increased, by the multitude of people resorting thither, and may likewise be the more strongly defended from the incursions of savages and other enemies, pirates and robbers, therefore we, for us, our heirs and successors, do give and grant by these presents, power, license and liberty unto all the liege people of us, our heirs and successors in our kingdom of England or elsewhere, within any other our dominions, islands, colonies or plantations, (excepting those who shall be especially forbidden,) to transport themselves and families unto the said province, with convenient shipping and fitting provisions, and there to settle themselves, dwell and inhabit, any law, statute, act ordinance, or other thing to the contrary in any wise notwithstanding. And we will also, and of our more special grace, for us, our heirs and successors, do straightly enjoin, ordain, constitute and command, that the said

province of Carolina, shall be of our allegiance, and that all and singular the subjects and liege people of us, our heirs and successors, transported or to be transported into the said province, and the children of them and of such as shall descend from them, there born or hereafter to be born, be and shall be denizens and lieges of us, our heirs and successors of this our kingdom of England, and be in all things held, treated, and reputed as the liege faithful people of us, our heirs and successors, born within this our said kingdom, or any other of our dominions, and may inherit or otherwise purchase and receive, take, hold, buy and possess any lands, tenements or hereditaments within the same places, and them may occupy, possess and enjoy, give, sell, aliene and bequeathe; as likewise all liberties, franchises and privileges of this our kingdom of England, and of other our dominions aforesaid, and may freely and quietly have, possess and enjoy, as our liege people born within the same, without the least molestation, vexation, trouble or grievance of us, our heirs and successors, any statute, act, ordinance, or provision to the contrary notwithstanding.

8th. And furthermore, that our subjects of this our said Kingdom of England, and other our dominions, may be the rather encouraged to undertake this expedition with ready and chearful minds, know ye, that we of our special grace, certain knowledge and meer motion, do give and grant by virtue of these presents, as well to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, and their heirs, as unto all others as shall from time to time repair unto the said province, with a purpose to inhabit there, or to trade with the natives of the said province, full liberty and license to lade and freight in any port whatsoever, of us, our heirs and successors, and into the said province of Carolina, by them, their servants or assigns, to transport all and singular their goods, wares and merchandises, as likewise all sorts of grain whatsoever, and any other things whatsoever, necessary for the food and clothing, not prohibited by the laws and statutes of our kingdoms and dominions, to be carried out of the same, without any let or molestation of us, our heirs and successors, or of any other of our officers, or ministers whatsoever, saving also to us, our heirs and successors, the customs and other duties and payments, due for the said wares and merchandises, according to the several rates of the places from whence

the same shall be transported. We will also, and by these presents, for us, our heirs and successors, do give and grant license by this our charter, unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and to all the inhabitants and dwellers in the province aforesaid, both present and to come, full power and absolute authority to import or unlade by themselves or their servants, factors or assigns, all merchandises and goods whatsoever, that shall arise of the fruits and commodities of the said province, either by land or by sea, into any of the ports of us, our heirs and successors, in our kingdom of England, Scotland or Ireland, or otherwise to dispose of the said goods, in the said ports; and if need be, within one year next after the unlading, to lade the said merchandises and goods again into the same or other ships, and to export the same into any other countries either of our dominions, or foreign, being in amity with us, our heirs and successors, so as they pay such customs, subsidies, and other duties for the same, to us, our heirs and successors, as the rest of our subjects of this our kingdom, for the time being, shall be bound to pay, beyond which we will not, that the inhabitants of the said province of Carolina, shall be any ways charged.

9th. *Provided nevertheless*, and our will and pleasure is, and we have further for the consideration aforesaid, of our more especial grace, certain knowledge, and meer motion, given and granted, and by these presents, for us, our heirs and successors, do give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and free license, liberty and authority, at any time or times, from and after the feast of St. Michael the archangel, which shall be in the year of our Lord Christ, one thousand six hundred sixty and seven, as well to import, and bring into any of our dominions from the said province of Carolina, or any part thereof, the several goods and commodities, hereinafter mentioned, that is to say, silks, wines, currants, raisins, capers, wax, almonds, oyl and olives, without paying or answering to us, our heirs or successors, any custom, import, or other duty, for and in respect thereof, for and during the term and space of seven years, to commence and be accomplished, from and after the first importation of four tons of any of the said goods, in any one

bottom, ship or vessel from the said province, into any of our dominions, as also to export and carry out of any of our dominions, into the said province of Carolina, custom free, all sorts of tools which shall be usefull or necessary for the planters there, in the accommodation and improvement of the premises, any thing before, in these presents contained, or any law, act, statute, prohibition or other matter, or anything heretofore had, made, enacted or provided, or hereafter to be had, made, enacted or provided, to the contrary, in any wise notwithstanding.

10th. And furthermore, of our own ample and especial grace, certain knowledge, and meer motion, we do for us, our heirs and successors, grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, full and absolute power and authority, to make, erect and constitute, within the said province of Carolina, and the isles and islets aforesaid, such and so many seaports, harbours, creeks and other places, for discharge and unlading of goods and merchandises, out of ships, boats and other vessels, and for lading of them, in such and so many places, and with such jurisdiction, priviledges and franchises unto the said ports belonging, as to them shall seem most expedient, and that all and singular the ships, boats and other vessels, which shall come for merchandises and trade into the said province, or shall depart out of the same, shall be laden and unladen at such ports only, as shall be erected and constituted by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not elsewhere, any use, custom or any other thing to the contrary, in any wise notwithstanding.

11th. And we do furthermore will, appoint and ordain, and by these presents for us, our heirs and successors, do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, that they the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, their heirs and assigns, may from time to time forever, have and enjoy, the customs and subsidies in the ports, harbors,

creeks and other places within the province aforesaid, payable for goods, merchandise and wares, there laded or to be laded, or unladed, the said customs to be reasonably assessed, upon any occasion, by themselves, and by and with the consent of the free people there, or the greater part of them as aforesaid; to whom we give power by these presents, for us, our heirs and successors, upon just cause and in a due proportion, to assess and impose the same.

12th. And further, of our special grace, certain knowledge, and meer motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns, full and absolute license, power and authority, that the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, Sir John Colleton, their heirs and assigns, from time to time, hereafter, forever, at his and their will and pleasure, may assign, alien, grant, demise or enfeof the premises, or any part or parcels thereof, to him or them that shall be willing to purchase the same, and to such person or persons as they shall think fit, to have and to hold, to them the said person or persons, their heirs or assigns, in fee simple or fee taylor, or for term for life, or lives, or years, to be held of them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by such rents, services and customs, as shall seem meet to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and not immediately of us, our heirs and successors, and to the same person and persons, and to all and every of them, we do give and grant by these presents, for us, our heirs and successors, license, authority and power, that such person or persons, may have or take the premises, or any parcel thereof, of the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and the same to hold, to themselves, their heirs or assigns,

in what estate of inheritance whatsoever, in fee simple, or fee taylor, or otherwise, as to them and the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, shall seem expedient; the statute made in the parliament of Edward, son of King Henry, heretofore king of England, our predecessor, commonly called the statute of "*quia emptores terrarum*;" or any other statute, act, ordinance, use, law, custom or any other matter, cause or thing heretofore published, or provided to the contrary, in any wise notwithstanding.

13th. And because many persons born, or inhabiting in the said province, for their deserts and services, may expect and be capable of marks of honor and favor, which, in respect of the great distance, cannot be conveniently conferred by us; our will and pleasure therefore is, and we do by these presents, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power and authority, to give and confer, unto and upon, such of the inhabitants of the said province, as they shall think do or shall merit the same, such marks of favour and titles of honour as they shall think fit, so as these titles of honour be not the same as are enjoyed by, or conferred upon any the subjects of this our kingdom of England.

14th. And further also, we do by these presents, for us, our heirs and successors, give and grant license to them, the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power, liberty and license to erect, raise and build within the said province and places aforesaid, or any part or parts thereof, such and so many forts, fortresses, castles, cities, burroughs, towns, villages and other fortifications whatsoever, and the same or any of them to fortify and furnish with ordinance, powder, shot, armory, and all other weapons, ammunition, habilements of war, both offensive and defensive, as shall be thought fit and convenient for the safety and welfare of the said province and places, or any part thereof, and the same, or any of them from time to time, as occasion shall require, to dismantle, disfigure, demolish and pull down, and also to place, constitute and appoint in and over all or any of

the castles, forts, fortifications, cities, towns and places aforesaid, governors, deputy governors, magistrates, sheriffs and other officers, civil and military, as to them shall seem meet, and to the said cities, burroughs, towns, villages, or any other place or places within the said province, to grant "letters or charters of incorporation," with all liberties, franchises and privileges, requisite and usefull, or to or within any corporations, within this our kingdom of England, granted or belonging; and in the same cities, burroughs, towns and other places, to constitute, erect and appoint such and so many markets, marts and fairs, as shall in that behalf be thought fit and necessary; and further also to erect and make in the province aforesaid, or any part thereof, so many mannors as to them shall seem meet and convenient, and in every of the said mannors to have and to hold a court baron, with all things whatsoever which to a court baron do belong, and to have and to hold views of "frank pledge" and "court leet," for the conservation of the peace and better government of those parts within such limits, jurisdictions, and precincts, as by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or their heirs, shall be appointed for that purpose, with all things whatsoever, which to a court leet, or view of frank pledge do belong, the said court to be holden by stewards, to be deputed and authorized by the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or their heirs, or by the lords of other mannors and leets, for the time being, when the same shall be erected.

15th. And because that in so remote a country, and scituate among so many barbarous nations, and the invasions as well of salvages as of other enemies, pirates and robbers, may probably be feared; therefore we have given, and for us, our heirs and successors, do give power, by these presents, unto the said Edward, Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, by themselves, or their captains, or other their officers, to levy, muster and train all sorts of men, of what condition or wheresoever born, in the said province for the time being, and to make war and pursue the enemies aforesaid, as well by sea as by land, yea, even without the limits of the

said province, and by God's assistance to vanquish and take them, and being taken to put them to death by the law of war, or to save them at their pleasure; and to do all and every other thing, which unto the charge of a captain general of an army belongeth, or hath accustomed to belong, as fully and freely as any captain general of an army hath or ever had the same.

16th. Also our will and pleasure is, and by this our charter we give unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full power, liberty and authority, in case of rebellion, tumult or sedition, (if any should happen,) which God forbid, either upon the land within the province aforesaid, or upon the main sea, in making a voyage thither, or returning from thence, by him or themselves, their captains, deputies and officers, to be authorized under his or their seals for that purpose, to whom also, for us, our heirs and successors, we do give and grant by these presents, full power and authority, to exercise martial law against mutinous and seditious persons of those parts, such as shall refuse to submit themselves to their government, or shall refuse to serve in the wars, or shall fly to the enemy, or forsake their colours or ensigns, or be loyterers or straglers, or otherwise howsoever offending against law, custom or discipline military, as freely and in as ample manner and form as any captain general of an army by vertue of his office, might or hath accustomed to use the same.

17th. And our further pleasure is, and by these presents, for us, our heirs and successors, we do grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, and to all the tenants and inhabitants of the said province of Carolina, both present and to come, and to every of them, that the said province and the tenants and inhabitants thereof, shall not from henceforth be held or reputed a member or part of any colony whatsoever in America, or elsewhere, now transported or made, or hereafter to be transported or made; nor shall be depending on, or subject to their government in anything, but be absolutely seperated and divided from the same; and our pleasure is, by these presents, that they be seperated, and that they be subject immediately to our crown of England as depending thereof forever; and that the inhabitants of the

said Province, nor any of them, shall at any time hereafter be compelled or compellable, or be any ways subject or liable to appear or answer to any matter, suit, cause or plaint whatsoever, out of the Province aforesaid, in any other of our islands, colonies, or dominions in America or elsewhere, other than in our realm of England, and dominion of Wales.

18th. And because it may happen that some of the people and inhabitants of the said province, cannot in their private opinions, conform to the publick exercise of religion, according to the liturgy, form and ceremonies of the church of England, or take and subscribe the oaths and articles, made and established in that behalf, and for that the same, by reason of the remote distances of these places, will, we hope be no breach of the unity and uniformity established in this nation; our will and pleasure therefore is, and we do by these presents, for us, our heirs and successors, give and grant unto the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, full and free license, liberty and authority, by such legal ways and means as they shall think fit, to give and grant unto such person or persons, inhabiting and being within the said province, or any part thereof, who really in their judgments, and for conscience sake, cannot or shall not conform to the said liturgy and ceremonies, and take and subscribe the oaths and articles aforesaid, or any of them, such indulgencies and dispensations in that behalf, for and during such time and times, and with such limitations and restrictions as they, the said Edward Earl of Clarendon, George Duke of Albermarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs or assigns, shall in their discretion think fit and reasonable; and with this express proviso, and limitation also, that such person and persons, to whom such indulgencies and dispensations shall be granted as aforesaid, do and shall from time to time declare and continue, all fidelity, loyalty and obedience to us, our heirs and successors, and be subject and obedient to all other the laws, ordinances, and constitutions of the said province, in all matters whatsoever, as well ecclesiastical as civil, and do not in any wise disturb the peace and safety thereof, or scandalize or reproach the said liturgy, forms and ceremonies, or anything relating thereunto, or any person or persons whatsoever,

for or in respect of his or their use or exercise thereof, or his or their obedience and conformity, thereunto.

19th. And in case it shall happen, that any doubts or questions should arise, concerning the true sense and understanding of any word, clause or sentence contained in this our present charter, we will, ordain and command, that at all times, and in all things, such interpretation be made thereof, and allowed in all and every of our courts whatsoever, as lawfully may be adjudged most advantageous and favourable to the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, their heirs and assigns, although express mention be not made in these presents, of the

true yearly value and certainty of the premises, or any part thereof, or of any other gifts and grants made by us, our ancestors, or predecessors, to them the said Edward Earl of Clarendon, George Duke of Albemarle, William Lord Craven, John Lord Berkley, Anthony Lord Ashley, Sir George Carteret, Sir William Berkley, and Sir John Colleton, or any other person or persons whatsoever, or any statute, act, ordinance, provision, proclamation or restraint, heretofore had, made, published, ordained or provided, or any other thing, cause or matter, whatsoever, to the contrary thereof, in any wise notwithstanding.

In Witness, &c.

Witness the King, at Westminster, the four and twentieth day of March, in the fifteenth year of our reign, (1663).

PER IPSUM REGEM.

CHAPTER XIV.

1681-1688.

THE FOUNDING OF PENNSYLVANIA.

William Penn and his early career — Obtains patent for Pennsylvania — The boundaries of the grant and the provisions of the charter — Settlers already within the limits of Pennsylvania — Proposals to emigrants — Penn's letter to the Indians — His "Frame of Government" — The Duke of York releases claim to territory — Penn arrives in America — The Delaware territory annexed to Pennsylvania — Regulations for the government of the colony — Enactment of the code of laws — The boundary dispute — Penn's interview with the Indians — Land purchased from the Indians — Philadelphia founded — School opened — New code of laws enacted — Settlers from New York — Penn's return to England — Growth of the settlement — Disputes in Pennsylvania carried to England — Penn makes changes in government of the colony — The Delaware territory secures separate government — Penn deprived of administration of colonial affairs. Appendix to Chapter XIV.— I. Charter of Pennsylvania. II. Penn's Frame of Government, 1682.

We have already had occasion to speak of William Penn in connection with affairs in New Jersey, which constituted his first connection with American colonial history. From that time Penn continued to take an interest in the New World and rapidly rose in the estimation and respect of his contemporaries.* He was the only son of Admiral Sir William Penn, who had distinguished himself

under Cromwell by the conquest of the Island of Jamaica, and afterward, during the reign of Charles II., by his courage in the war with Holland. Sir William Penn was a great favorite of the Duke of York. Young Penn was sent to Oxford, where he matriculated as a gentleman commoner at Christ Chapel. This was at the period when the Quakers were beginning the propagation of their tenets, in spite of the opposition of sects and parties.*

* See Doyle's characterization in *Middle Colonies*, p. 380 et seq.

* W. H. Dixon, *A History of William Penn, Founder of Pennsylvania*, p. 33.

Young Penn had become converted to the doctrines of the new sect, and because he advocated the new religion he was expelled from the University and fined. For this conduct the old Admiral, his father, turned him out of doors, but upon persuasion of other relatives, finally sent the young man to make a tour of Europe in hope that life in the outside world might create a change and cool his ardor. On the contrary, Penn became still more enthusiastic regarding the new religion, and his travels only gave him a greater breadth of mind and a little more polished manners.*

When he returned from the continent, he took up a course of study in law at Lincoln's Inn, where he was considered quite "a modish fine gentleman." "The glory of the world," he says, "overtook me, and I was even ready to give up myself unto it"; but his sense of the vanity of the world and the "irreligiousness of its religions," were once again aroused by a chance meeting with the same preacher who had converted him, which happened upon the occasion of a journey to Ireland. Penn became still more enthusiastic than ever, now determining to cast his lot in with these advocates of brotherly love and impartial toleration. "God in his everlasting kindness," he declares, "guided my feet into this path in the flower of my youth, when about two and twenty years of age." Penn now

felt that he had received a call to preach his newly adopted doctrines, and in spite of many hardships and trials, he continued to follow the career upon which he had embarked, both at home and abroad. After suffering imprisonment in Ireland, he was released and then returned to England, only to be received on his return with derision and animosity, which called forth another outburst of rage on the part of his father, who for a second time forbade him the house. To Penn, whose spirit could not be broken by the trials through which he had gone, menaces and promises were alike in vain. After having been sent to the Tower, he said, "Tell my father that my prison shall be my grave before I will budge a jot, for I owe my conscience to no mortal man. I have no need to fear. God will make amends for all." This statement further aroused the resentment of the father, and for several months he made no effort to secure his son's release from the Tower, but finally through the influence of the Duke of York, Penn was pardoned and sent out to enjoy freedom. In 1670, when his father was on his deathbed, a complete reconciliation took place between the two, and at that time the father committed young Penn and his claims upon the government to the good offices of the Duke of York, with whom Penn was quite a favorite.*

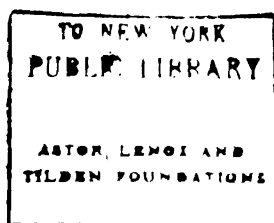
* Dixon, *William Penn*, pp. 37-39.

* See A. C. Buell, *William Penn as the Founder of Two Commonwealths* (1904); Fisher, *The True*

COLONIAL OFFICIALS.



1. PETER STUYVESANT. (Director General of New Netherland.) 2. JAMES EDWARD OGLETHORPE. (Governor of Georgia.)
3. WILLIAM PENN. (Proprietor of Pennsylvania.) 4. SIR WILLIAM JOHNSON. (Indian Commissioner.)



The claim which the father had against the government amounted to about £16,000, but as it was hopeless to expect that Charles II. would liquidate, Penn decided to accept a grant of territory in America in lieu of the money, and his influence with the Duke of York and other leading courtiers of the day was sufficient to obtain the fulfillment of his desire.* On March 5, 1681, he wrote a letter in which he says, "This day, after many waitings, watchings, solicitings, and disputes, my country was confirmed to me under the great seal of England, with large powers and privileges, by the name of Pennsylvania, a name the king gave it in honor of my father.† I chose New Wales, being a hilly country, and when the secretary, a Welshman, refused to call it New Wales, I proposed Sylvania, and they added Penn to it, though I much opposed him, and went to the king to have it struck out. He said 'twas past, and he would take it upon him; nor could twenty guineas move the under secretary to alter the

name, for I feared it should be looked on as a vanity in me, and not as a respect in the king to my father, as it really was. Thou mayst communicate my grant to my friends, and expect shortly my proposals. 'Tis a dear and just thing, and my God, that has given it me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at first."

The Delaware was to be the eastern boundary of the province, the northeast corner of which was to be the point where the Delaware intersects the 43d degree of latitude. The northern line was then to be run to the edge of Lake Erie, whence the line was to run due south through the wilderness. The southern boundary was fixed on such ambiguous terms that a dispute between Maryland and Pennsylvania arose and continued for many years. By this charter, Penn was created "true and absolute lord" of Pennsylvania, and given ample power of government; but "the advice and consent of the freemen of the province" were necessary to the enactment of laws. To the crown was reserved the right of veto, and to Parliament the levying of duties and taxes.*

Already a considerable number of Dutch and Swedish settlers were within the limits of Pennsylvania. Accordingly, in April, 1681, Penn

William Penn (1900); Mrs. Grant, *Quaker and Courtier: The Life and Work of William Penn*; Webb, *The Penns and Pennington* (1867); and biographies by T. Clarkson (1813), Hodges (1901), Janney (1852), Stoughton (1882), Weems (1836).

* Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 99-139; Bancroft, vol. i., p. 553.

† The charter bears date of March 4, and the text is given in full in Fiske, *Dutch and Quaker Colonies*, vol. ii., Appendix ii., pp. 370-386; also in Proud, *History of Pennsylvania*, vol. i., pp. 171-187; Thorpe, *Federal and State Constitutions*, vol. v., pp. 3035-3044. See also Appendix I at the end of the present chapter.

* Doyle, *Middle Colonies*, p. 385.

sent out the royal proclamation constituting him lord proprietor, by William Markham, one of his kinsmen, in order that he might secure the good will of these settlers. Penn says that they "are now fixed at the mercy of no governor that comes to make his fortune great"; that they "shall be governed by laws of [their] own making, and live a free, and if [they] will, a sober and industrious people. I shall not usurp the right of any nor oppress his person. God has furnished me with a better resolution, and has given me His grace to keep it."* Penn also gave Markham authority to arrange the question of boundaries with the proprietary of Maryland, but he was unable to accomplish anything in that direction.† Meanwhile, in England, in May, 1681, measures had been taken to secure settlers; proposals were issued for the sale of lands at the rate of forty shillings, or about \$10 the hundred acres. A company, known as the Company of Free Traders, was formed, and in October, three vessels set sail with a body of emigrants for the shores of the Delaware.‡ With them they carried instructions for building a new city, which Penn desired might resemble a green and open country town. At this time, Penn wrote to the Indians in a spirit of hearty good will, which

was probably the first time the Indians had been addressed in the true spirit of philanthropy, and not as savages. "The great God," he wrote, "had been pleased to make him concerned in their part of the world, and the king of the country where he lived had given him a great province therein; but he did not desire to enjoy it without their consent; he was a man of peace, and the people whom he sent were of the same disposition, and if any difference should happen between them, it might be adjusted by an equal number of men chosen on both sides."

In the early part of 1682, Penn issued his "Frame of Government." He said: "For the matters of liberty and privilege I propose that which is extraordinary, and to leave myself and my successors no power of doing mischief, so that the will of one man may not hinder the good of the whole country; for liberty without obedience is confusion, obedience without liberty is slavery."* The Assembly, which was to consist, first, of all the freemen, afterward, of delegates, never more than 500, nor less than 200 freemen, were to elect a council of 72 members, one-third to go out and be replaced annually, over whom the proprietary or his deputy was to preside and enjoy a triple vote. This

* Hazard, *Annals of Pennsylvania*, p. 502; Bancroft, vol. i., p. 553; Sharpless, *Two Centuries of Pennsylvania History*, p. 44.

† Sharpless, p. 45.

‡ Proud, *History of Pennsylvania*, vol. i., p. 193.

* Bancroft, vol. i., p. 555; Sharpless, *A Quaker Experiment in Government*, p. 48. The draft of this instrument is in Proud, vol. ii., pp. 5-20; Thorpe, *Federal and State Constitutions*, vol. v., pp. 3052-3059. See also Appendix II at the end of the present chapter.

council was vested with the executive power, and to prepare bills for presentation to the Assembly.* At the same time, a code of forty "fundamental laws" was agreed upon.† At this time Penn obtained from the Duke of York also a release on the part of the latter or his heirs for the territory granted,‡ which was at first called the territories of Pennsylvania, and later "the three lower counties on the Delaware." ||

In September, 1682, having completed the preliminary arrangements, Penn set sail for his colony, accompanied by 100 emigrants, and during the year was followed by more than 20 ships, all of which arrived in safety.§ His own voyage was long and disastrous; the smallpox broke out on board, and about 30 died,|| but at length, toward the end of October, the ship entered the Delaware and on the 27th of that month, came to anchor at Newcastle. As soon as the news of Penn's arrival was spread aboard, the settlers and magistrates flocked together to greet him.** Penn then produced his title deeds and conciliated the settlers with promises of civil and religious freedom.†† So pleased were the people of Delaware

with Penn's plan of colonization that they made formal application to be annexed to Pennsylvania.* They were cordially received and immediately after adopting a constitution, the freeholders passed an "Act of Union," annexing the Delaware territories or the "three lower counties" of Kent, Newcastle and Sussex to the jurisdiction of their own three "upper" counties.

Penn then continued his ascent of the river and landed at Upland, which he renamed Chester,‡ where he found a plain, simple, and industrious population, composed of Swedish Lutherans and Quakers. These had established themselves in the country which, from the purity of the air and water, Penn declared so beautiful that "an Abraham, Isaac, and Jacob would be well contented with." Markham had begun the erection of a house for Penn some distance further up the river, nearly opposite the present city of Burlington. Penn then visited the colonists in New Jersey and on Long Island, returning to Chester early in the month of December, 1682. He next turned his attention to organizing a government, arranging the question of boundaries, and propitiating the good will of the natives. Only twelve delegates from each of the six counties appeared, instead of all the freemen as Penn's writ of summons had requested, and of the delegates present, eighteen

* See Doyle, *Middle Colonies*, p. 389 et seq.

† Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 153-154; Dixon, *William Penn*, pp. 180-182.

‡ The deed is in Proud, vol. i., p. 200, note.

|| *Ibid*, vol. ii., p. 202.

§ *Ibid*, vol. i., p. 216.

¶ Dixon, *William Penn*, p. 192.

** Watson, *Annals of Philadelphia*, vol. i., p. 16.

†† Bancroft, vol. i., p. 563; Proud, vol. i., p. 205; Dixon, p. 193.

* Dixon, p. 194.

† Smith, *History of Delaware County*, p. 139.

were formed into a council, and the remainder into an Assembly. It was decided that the Assembly in future should consist of only 36 members, six from each county, to be chosen annually, with a council composed of three members from each county, who were to hold their seats for three years, one being chosen each year. The restriction of the governor to three votes was dropped, and the governor and council were to possess jointly the right of proposing laws. According to Penn's account of the matter, this movement, allowing the proprietary greater power, was a spontaneous movement of the free-men themselves, and was not, as charged some twenty years later, brought about because he had used undue influence or had violated his original promise.* A code of laws was enacted, which very nearly resembled that agreed upon in England. "Universal toleration was proclaimed; each sect was to support itself. Every freeman had the right of voting and holding office, the only restrictions being the necessity of a belief in God and abstinence from labor on the Lord's Day. Trial by jury was established, and murder and treason alone were punishable with death. Primogeniture, with a trifling reservation, was abrogated. Marriage was regarded as a civil contract. Every child was to be taught some useful trade, thus tending to

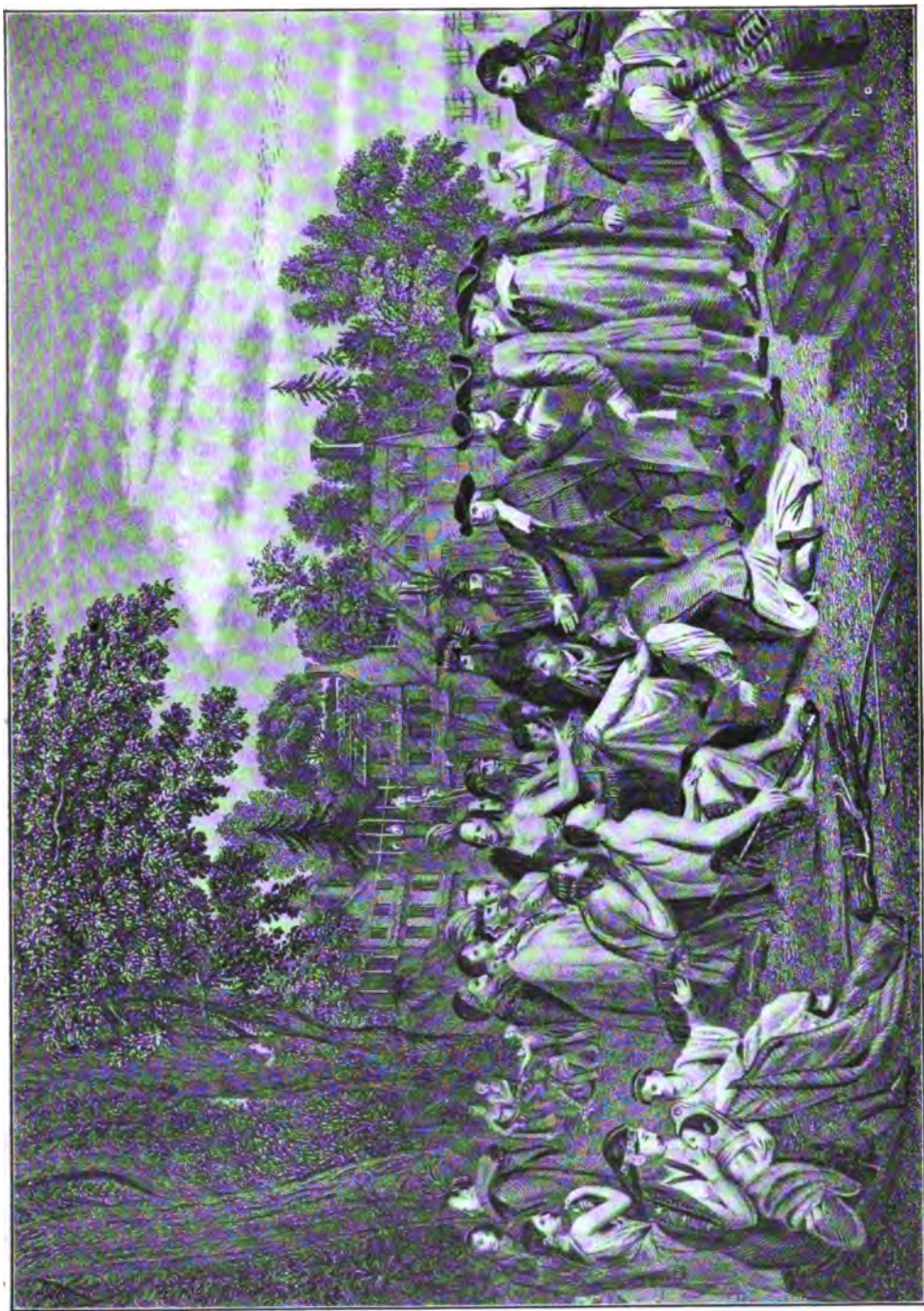
prevent future vagabondage and crime — while the prisons were to be also workhouses, where the offender might be not only punished, but if possible, reclaimed again to the community."*

Penn now undertook to settle the boundary disputes, but found the question to be very difficult, as many of the charters had been granted in ignorance of the geography of the country, which naturally occasioned serious differences when the colonists arrived in America. This was partly the cause of the dispute between Penn and Baltimore, but Penn claims that "it was not the love or need of the land, but the water," that induced him to open negotiations with Lord Baltimore.† He claimed that the boundary lines of the territory granted to him were absolutely necessary to the future welfare of the colony, but Lord Baltimore was equally as stubborn in asserting his rights under the charter granted him. Various historians have taken different views of the merits of this case, and it is undoubtedly true that both parties considered themselves to be in the right; but after a heated and unsatisfactory debate, which did not result in any agreement, the negotia-

* Printed in Hazard's *Annals of Pennsylvania*, p. 619 *et seq.* See also the resumé in Doyle, *Middle Colonies*, p. 395 *et seq.*; Hildreth, vol. ii. p. 68; Bancroft, vol. i., p. 564; Sharpless, *A Quaker Experiment in Government*, pp. 56-62, 150; *ibid.*, *Two Centuries of Pennsylvania History*, pp. 55-57.

† Dixon, *William Penn*, p. 187.

* Hildreth, vol. ii., p. 67.



PENN'S TREATY WITH THE INDIANS.
(From the painting by Benjamin West.)

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tions were broken off, only to be resumed a year later in England with considerable acrimony. After the matter had been thoroughly sifted, the argument terminated in the assignment to Penn of half the territory between the banks of the Delaware and the Chesapeake.*

About November, 1682, under the great elm of Shakamaxon, was held the traditionary interview with the Indians, which has been commemorated by the painting of Benjamin West. There seems to be little doubt that at this interview Penn made a treaty with the Indians, although documentary evidence of it is meagre.† This matters little, however, for the chief point of interest is that the understanding produced by the interview was carefully maintained. During his stay in the country, Penn often met the Indians in friendly intercourse, partaking of their simple fare, mingling in their athletic games, and enjoying their simple life.‡ It is hardly possible, however, that any land was purchased from the Indians by Penn himself at

this time, for in 1685, after Penn's return to England, a bargain was struck with four chiefs by which they sold a large tract extending from the Delaware to the Susquehanna for a compensation consisting of 44 pounds of red lead, 60 fathoms of "Strandwaters" and 30 fathoms of duffels (these were coarse kinds of cloth), 200 fathoms of wampum, 12 hoes, 20 tobacco tongs, 3 papers of beads, 6 draw knives, 12 pairs of shoes, 6 caps, and 30 each of shirts, pairs of stockings, combs, glasses, pairs of scissors, awls, knives, axes, kettles, tobacco-boxes, guns, bars of lead, and pounds of gunpowder—certainly a shabby compensation.*

In 1683 Penn determined upon a site for his capital city, selecting land at the confluence of the Schuylkill and Delaware, which appeared to him to be very desirable. The new city was called Philadelphia, as signifying the brotherly love which the Quakers advocated. Houses were rapidly constructed and numbered eighty at the close of a year.† Penn early took steps for the protection of morals and promotion of art and scholarship. In 1683 Enoch Flower opened a school in a hut, making the following charges for instruction: "To learne to read English, 4s. by ye Quarter, to learne to read and write 6s. by ye

* See Browne, *Maryland: The History of a Palatinate*, pp. 133-144; Hildreth, vol. ii., pp. 69-72, 74-75.

† *Memoirs of Pennsylvania Historical Society*, vol. iii., part ii., p. 143. See also Bowdoin, *History of Friends in America*, vol. ii., p. 62; Dixon, *William Penn*, pp. 199-203; the article by Frederick D. Stone in the *Pennsylvania Magazine*, vol. vi., pp. 217-238. Sharpless, however, says that "it does not seem probable that any formal treaty was made with the Indians before the summer of 1683."—*Two Centuries of Pennsylvania History*, p. 58.

‡ Watson, *Annals of Philadelphia*, vol. i., p. 56.

* *Ibid*, p. 143. On the various land purchases see Sharpless, *A Quaker Experiment in Government*, p. 160 *et seq.*

† Penn chartered the city October 25, 1701. Fiske, *Dutch and Quaker Colonies*, vol. ii., p. 157; Dixon, *William Penn*, pp. 205-207.

Quarter, write and cast accots 8s. by ye Quarter; for boarding a scholar, that is to say, dyet, washing, lodging and Schooling, Tenn pounds for one whole year."*

In March, 1683, Penn summoned the newly constituted legislature and they met him in Philadelphia.† At this time the Assembly accepted a frame of government modelled after the late act of settlement, with a proviso that no changes should be made save by the joint consent of the proprietary and six parts in seven of the freemen of the province.‡ It was ordained also that in addition to the conditions above named, the three arbitrators, called peacemakers, were to be chosen by the county courts to hear and determine small differences between man and man; it was further ordained that factors wronging their employers should be compelled to make satisfaction, and one-third over; that such things as excited the people to cruelty and irreligion should be discouraged and severely punished; that no one should be molested for opinions regarding religion or compelled to frequent houses of worship or forced to maintain any ministry whatever, provided such persons

created no serious disturbances.* At the same time, the Assembly provided that a revenue be raised by a duty on exports and imports, which should be given to the proprietary, but Penn consented to suspend the receipt of it for a year or two, and the law was finally allowed to lapse altogether.†

Meanwhile news of the prosperous condition of the colony had been received in Europe, and from Germany and Holland came many settlers to seek an asylum from the stern laws in those countries, while large numbers of Quakers continued to come from England. Penn might well boast that "he had led the greatest colony into America that ever any man did upon a private credit, and the most prosperous beginnings that ever were in it, are to be found among us." But Penn now determined to return to England for a while to look after his affairs at home. On August 12, 1684, he set sail after providing for the government of the colony by appointing five judges chosen from the community to look after judicial affairs, Nicholas Moore being appointed chief justice. Thomas Lloyd was appointed president and Markham secretary of the council; these were assisted by Thomas Holme, James Claypole, Robert Turner and two or three others.‡ When Penn

* *Pa. Colonial Records*, vol. i., p. 36; Isaac Sharpless, *A Quaker Experiment in Government*, p. 37; Dixon, *William Penn*, p. 208.

† See Proud, vol. i., 235 *et seq.*

‡ Proud, vol. ii., p. 21. See also the resumé in Doyle, *Middle Colonies*, p. 400. For text see Thorpe, *Federal and State Constitutions*, vol. v., pp. 3064-3069.

* Osgood, *American Colonies*, vol. ii., pp. 260-261.

† Bancroft, vol. i., pp. 565-567; Dixon, *William Penn*, pp. 210-212.

‡ Dixon, *William Penn*, pp. 213-214.

returned to England Pennsylvania contained about twenty settlements and 7,000 inhabitants. By 1685 Philadelphia contained over 350 houses, the value of land rising enormously. Penn speaks also of the number of drinking houses and of the looseness in the lives of those living in the caves, the large number of arrivals compelling the use of caves along the Delaware as places of abode until houses could be erected.*

Soon after Penn arrived in England, James II. became king, but Penn continued to enjoy the same favor from the king which he had received from the Duke of York. It may be noted in passing that Penn's charter was the only one against which a writ of *quo warranto* had not be issued.† While Penn was in England he was subjected to a great deal of vexation and disappointment. The executive authorities in Pennsylvania had become dissatisfied with the amount of authority granted them by their proprietary, and they constantly endeavored to enlarge it. In 1686 the president, Thomas Lloyd, and the council on one hand, and the Assembly on the other, engaged in an acrimonious dispute, in which Penn naturally became involved. In addition to being subject to continual encroachments on his authority, Penn claimed that the quit-rents, which should have been returned to him,

were absorbed in the public service, for which in 1688 the Assembly refused to vote a suitable provision. He was also dissatisfied with the conduct of the council, and in 1686 superseded the council by five commissioners, charged with executive functions.* Some years later, however, (1688) he appointed John Blackwell, one of Cromwell's old officers,† to the governorship, and Blackwell strenuously insisted upon the maintenance of proprietary rights: yet to so little purpose, that after another period of dissension, Penn, anxious, to use his own words, "to settle the government so as to please the generality," determined "to throw all into their hands, that they might see the confidence he had in them, and his desire to give them all possible contentment." Thus, with Lloyd again at its head, the council, in 1690, became invested with the chief authority, with the sole power of veto vested in the proprietary.‡ Meanwhile, in 1687, the third printing press in America was set up at Philadelphia, and some two years later Penn gave the charter to the first public school.

When James II. fell, however,

* Penn's instructions to them are in Proud, vol. i., p. 305. See also Sharpless, *Two Centuries of Pennsylvania History*, p. 68.

† *Pennsylvania Colonial Records*, vol. i., p. 229. Penn's instructions to him are given in Proud, vol. i., p. 339. See also Doyle, *Middle Colonies*, p. 408 et seq.

‡ Osgood, *American Colonies*, vol. ii., pp. 261-269; Doyle, p. 411; Sharpless, pp. 69-71; Dixon, *William Penn*, chap. xxix.

* See Penn's letter in Proud, vol. i., p. 296.

† Hildreth, vol. ii., p. 78. See also Dixon's *Penn*, pp. 217-219.

Penn lost favor at court and this subjected him to still more severe trials.* The old settlers on the Delaware had become jealous of the new colony. Quarrels and dissensions arose, which ended in establishing the "three lower counties on the Delaware," under a separate government, with

William Markham at the head.* Shortly after this, Penn was deprived of the administration of colonial affairs, both in Delaware and Pennsylvania, by an order of the Privy Council, and Benjamin Fletcher, governor of New York, was appointed royal governor.†

APPENDIX TO CHAPTER XIV.

I. CHARTER FOR THE PROVINCE OF PENNSYLVANIA.

CHARLES the Second, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c. To all whom these presents shall come, *Greeting*. WHEREAS Our Trustie and well-beloved subject WILLIAM PENN, Esquire, Sonne and heire of Sir WILLIAM PENN, deceased, out of a commendable Desire to enlarge our *English* Empire, and promote such useful comodities as may bee of Benefit to us and Our Dominions, as also to reduce the savage Natives by gentle and just manners to the Love of Civil Societie and Christian Religion, hath humbly besought Leave of Us to transport an ample Colonie unto a certaine Countrey hereinafter described, in the Partes of *America* not yet cultivated and planted; And hath likewise humbly besought Our Royall Majestie to Give, Grant, and Confirme all the said Countrey, with certaine Privileges and Jurisdictions, requisite for the good Government and Safetie of the said Countrey and Colonie, to him and his Heires forever: KNOW YE THEREFORE, That Wee, favouring the Petition and good Purpose of the said *William Penn*, and haveing Regard to the Memorie and Meritts of his late Father in divers Services, and perticularly to his Conduct, Courage, and Discretion under our Dearest Brother JAMES Duke of York, in that Signall Battell and Victorie fought and obteyned against the *Dutch* Fleete, command by the Heer *Van Opdam*, in the yeare One thousand six hundred and sixty-five: In consideration thereof, of Our Speciale grace, certaine Knowledge, and meere Motion have Given and Granted, and by this Our present Charter, for Us, Our Heirs and Successors, Doe give and Grant unto the said *William Penn*, his Heires and Assignes, all that Tract or Parte of Land in *America*, with all the Islands therein

conteyned, as the same is bounded on the East by *Delaware* River, from twelve miles distance Northwards of *New Castle* Towne unto the three and fortieth degree of Northerne Latitude, if the said River doeth extende so farre Northwards; But if the said River shall not extend soe farre Northward, then by the said River soe farr as it doth extend; and from the head of the said River, the Easterne Bounds are to bee determined by a Meridan Line, to bee drawne from the head of the said River, unto the said three and fortieth Degree. The said Lands to extend westwards five degrees in longitude, to bee computed from the said Easterne Bounds; and the said Lands to bee bounded on the North by the beginning of the three and fortieth degree of Northern Latitude, and on the South by a Circle drawne at twelve miles distance from *New Castle* Northward and Westward unto the beginning of the fortieth degree of Northern Latitude, and then by a streight Line Westward to the Limitt of Longitude above-mentioned. WEE do also give and grant unto the said *William Penn*, his heires and assignes, the free and undisturbed use and continuance in, and passage into and out of all and singuler Ports, Harbours, Bays, Waters, Rivers, Isles, and Inletts, belonging unto, or leading to and from the Coun-

* Doyle, pp. 411-412; Hildreth, vol. ii., pp. 121-122.

† Fiske, *Dutch and Quaker Colonies*, vol. ii., pp. 294-304. For the acts of the assembly during Fletcher's administration, see Osgood, p. 269 *et seq.*; Doyle, p. 414 *et seq.*; Proud, vol. i., p. 353 *et seq.* The documents relating to the dispute between Fletcher and the Assembly are in *Pennsylvania Colonial Records*, vol. i., pp. 399-459.

* Dixon, *William Penn*, chap. xxix.

treys or Islands aforesaid, And all the Soyle, lands, fields, woods, underwoods, mountaines, hills, fennes, Isles, Lakes, Rivers, waters, Rivulets, Bays, and Inlets scituate or being within, or belonging unto the Limitts and Bounds aforesaid, together with the fishing of all sortes of fish, whales, Sturgeons, and all Royall and other Fishes, in the Sea, Bayes, Inlets, waters, or Rivers within th premises, and the Fish therein taken; And also all Veines, Mines, and Quarries, as well discovered as not discovered, of Gold, Silver, Gemms, and Pretious Stones, and all other whatsoever, be it Stones, Mettals, or of any other thing or matter whatsoever, found or to bee found within the Countrey, Isles, or Limitts aforesaid; AND him, the said *William Penn*, his heires and assignes, Wee doe by this Our Royall Charter, for Us, Our heires and Successors, make, create, and constitute the true and absolute Proprietarie of the Countrey aforesaid, and of all other the premisses, Saving alwayes to Us, Our heires and Successors, the Faith and Allegiance of the said *William Penn*, his heires and assignes, and of all other Proprietaries, Tenants, and Inhabitants that are or shall be within the Territories and Precincts aforesaid; and Saving also, unto Us, Our heires and Successors, the Sovereignty of the aforesaid Countrey; TO HAVE, hold, possess, and enjoy the said Tract of Land, Countrey, Isles, Inlets, and other the premisses unto the said *William Penn*, his heires and assignes, to the only Proper use and behoofe of the said *William Penn*, his heires and assignes for ever, to bee holden of Us, Our heires and Successors, Kings of *England*, as of our Castle of *Windsor* in Our County of *Berks*, in free and common Socage, by fealty only for all Services, and not *in Capite* or by Knights Service: Yielding and paying therefore to Us, Our heires and Successors, Two Beaver Skins, to bee delivered at Our said Castle of *Windsor* on the First Day of *January* in every Year; and also the Fifth Part of all Gold and Silver Oare, which shall from Time to Time happen to bee found within the Limitts aforesaid, cleare of all Charges. And of Our further Grace, certaine Knowledge, and meer motion, We have thought fitt to erect, and Wee doe hereby erect the aforesaid Countrey and Islands into a Province and Seigniorie, and doe call itt *PENSILVANIA*, and soe from henceforth we will have itt called.

AND forasmuch as Wee have hereby made and ordained the aforesaid *William Penn*, his heires and assignes, the true and absolute Proprietaries of all the Lands and Dominions aforesaid, KNOW YE THEREFORE, That Wee reposing speciall trust and Confidence in the fidelitie, wisdom, Justice,

and provident circumspection of the said *William Penn* for us, our heires and Successors, Doe grant free, full, and absolute power by vertue of these presents to him and his heires, and to his and their Deputies, and Lieutenants, for the good and happy government of the said countrey, to ordeyne, make, and enact, and under his and their Seales to publish any Lawes whatsoever, for the raising of money for the publick use of the said Province, or for any other End, apperteyning either unto the publick state, peace, or safety of the said Countrey, or unto the private utility of perticular persons, according unto their best discretions, by and with the advice, assent, and approbation of the Freemen of the said Countrey, or the greater parte of them, or of their Delegates or Deputies whom for the Enacting of the said Lawes, when, and as often as need shall require, Wee will that the said *William Penn* and his heires, shall assemble in such sort and forme, as to him and them shall seeme best, and the same Lawes duly to execute, unto and upon all People within the said Countrey and the Limitts thereof.

AND wee doe likewise give and grant unto the said *William Penn*, and his heires and to his and their Deputies and Lieutenants, full power and authoritie to appoint and establish any Judges and Justices, Magistrates and Officers whatsoever, for what Causes soever, for the probates of wills, and for the granting of Administrations within the precincts aforesaid and with what Power soever, and in such forme as to the said *William Penn* or his heires shall seeme most convenient: Also to remit, release, pardon, and abolish whether before Judgment or after all Crimes and Offences whatsoever committed within the said Countrey against the said Lawes, Treason and wilful and malicious Murder onely excepted, and in those Cases to grant Reprieves, until Our pleasure may bee known therein and to doe all and every other thing and things, which unto the compleate Establishment of Justice, unto Courts and Tribunalls, formes of Judicature, and manner of Proceedings doe belong, altho in these presents expresse mention bee not made thereof; And by Judges by them delegated, to award Processe, hold Pleas, and determine in all the said Courts and Tribunalls all Actions, Suits, and Causes whatsoever, as well Criminall as Civill, Personall, reall and mixt; which Lawes, soe as aforesaid to bee published, Our Pleasure is, and soe Wee enjoyne, require, and command, shall bee most absolute and avaylable in law; and that all the Liege People and subjects of Us, Our heires and Successors, doe observe and keepe the same inviolabl in those partes, soe farr as they concerne them, under the

paine therein expressed, or to bee expressed. PROVIDED nevertheless, That the said Lawes bee consonant to reason, and bee not repugnant or contrarie, but as neare as conveniently may bee agreeable to the Lawes and Statutes, and rights of this Our Kingdome of *England*; And Saving and reserving to Us, Our heires and Successors, the receiving, heareing, and determining of the appeale and appeales of all or any Person or Persons, of, in, or belonging to the Territories aforesaid, or touching any Judgment to bee there made or given.

AND forasmuch as in the Government of soe great a Countrey, sudden Accidents doe often happen, whereunto itt will bee necessarie to apply remedie before the Freeholders of the said Province, or their Delegates or Deputies, can bee assembled to the making of Lawes; neither will itt bee convenient that instantly upon every such emergent occasion, soe greates a multitude should be called together: Therefore for the better Government of the said Countrey Wee will, and ordaine, and by these presents, for us, our Heires and successors, Doe Grant unto the said *William Penn* and his heires, by themselves or by their Magistrates and Officers, in that behalfe duely to bee ordeyed as aforesaid, to make and constitute fitt and whole-some Ordinances, from time to time, within the said Countrey to bee kept and observed, as well for the preservation of the peace, as for the better government of the People there inhabiting; and publickly to notifie the same to all persons, whome the same doeth or anyway may concerne. Which ordinances, Our Will and Pleasure is, shall bee observed inviolably within the said Province, under Paines therein to be expressed, soe as the said Ordinances bee consonant to reason, and bee not repugnant nor contrary, but soe farre as conveniently may bee agreeable with the Lawes of our Kingdome of *England*, and soe as the said Ordinances be not extended in any Sort to bind, charge, or take away the right or Interest of any person or persons, for or in their Life, members, Freehold, goods, or Chattels. And our further will and pleasure is, that the Lawes for regulateing and governing of Propertie within the said Province, as well for the descent and enjoyment of lands, as likewise for the enjoyment and succession of goods and Chattels, and likewise as to Felonies, shall bee and continue the same, as they shall bee for the time being by the generall course of the Law in our Kingdome of *England*, untill the said Lawes shall bee altered by the said *William Penn*, his heires or assignes, and by the Freemen of the said Province, their

Delegates or Deputies, or the greater Part of them.

AND to the End the said *William Penn*, or his heires, or other the Planters, Owners, or Inhabitants of the said Province, may not att any time hereafter by misconstruction of the powers aforesaid through inadvertencie or designe depart from that Faith and due allegiance, which by the lawes of this our Kingdom of *England*, they and all our subjects, in our Dominions and Territories, alwayes owe unto us, Our heires and Successors, by colour of any Extent or largnesse of powers hereby given, or pretended to bee given, or by force or colour of any lawes hereafter to bee made in the said Province, by vertue of any such Powers; OUR further will and Pleasure is, that a transcript or Duplicate of all Lawes, which shall bee soe as aforesaid made and published within the said Province, shall within five yeares after the making thereof, be transmitted and delivered to the Privy Councell, for the time being, of us, our heires and successors: And if any of the said Lawes, within the space of six moneths after that they shall be soe transmitted and delivered, bee declared by us, Our heires or Successors, in Our or their Privy Councell, inconsistent with the Sovereignty or lawful Prerogative of us, our heires or Successors, or contrary to the Faith and Allegiance due by the legall government of this Realme, from the said *William Penn*, or his heires, or of the Planters and Inhabitants of the said Province, and that thereupon any of the said Lawes shall bee adjudged and declared to bee void by us, our heires or Successors, under our or their Privy Seale, that then and from thenceforth, such Lawes, concerning which such Judgement and declaration shall bee made, shall become voyd: Otherwise the said Lawes soe transmitted, shall remaine, and stand in full force, according to the true intent and meaneing thereof.

FURTHERMORE, that this new Colony may the more happily increase, by the multitude of People resorting thither; Therefore wee for us, our heirs and Successors, doe give and grant by these presents, power, Licence, and Libertie unto all the Liege People and Subjects, both present and future, of us, our heires, and Successors, excepting those who shall bee Specially forbidden to transport themselves and Families unto the said Countrey, with such convenient Shipping as by the Lawes of this our Kingdome of *England* they ought to use, with fitting provisions, paying only the customes therefore due, and there to settle themselves, dwell and inhabitt, and plant, for the publick and their owne private advantage.

AND FURTHERMORE, that our Subjects may bee the rather encouraged to undertake this expedition with ready and cheerful mindes, KNOW YE, That wee, of Our especiall grace, certaine knowledge, and meere motion, Doe Give and Grant by vertue of these presents, as well unto the said *William Penn*, and his heires, as to all others, who shall from time to time repaire unto the said Countrey, with a purpose to inhabit there, or trade with the Natives of the said Countrey, full Licence to lade and freight in any ports whatsoever, of us, our heires and Successors, according to the lawes made or to be made within our Kingdome of *England*, and into the said Countrey, by them, their Servants or assignes, to transport all and singuler their wares, goods, and Merchandizes, as likewise all sorts of graine whatsoever, and all other things whatsoever, necessary for food or cloathing, not prohibited by the Lawes and Statutes of our Kingdomes and Dominions to be carried out of the said Kingdomes, without any Lett or molestation of us, our heires and Successors, or of any of the Officers of us, our heires and Successors; saving alwayes to us, our heires and Successors, the legall impositions, customes, and other Duties and payments, for the said Wares and Merchandize, by any Law or Statute due or to be due to us, our heires and Successors.

AND Wee doe further, for us, our heires and Successors, Give and grant unto the said *William Penn*, his heires and assignes, free and absolute power, to Divide the said Countrey and Islands into Townes, Hundreds and Counties, and to erect and incorporate Townes into Borroughs, and Borroughs into Citties, and to make and constitute faires and Marketts therein, with all other convenient privileges and immunities, according to the meritt of the inhabitants, and the fitness of the places, and to doe all and every other thing and things touching the premisses, which to him or them shall seeme meet and requisite, albeit they be such as of their owne nature might otherwise require a more especiall comandment and Warrant then in these presents is expressed.

WE Will alsoe, and by these presents, for us, our heires and Successors, Wee doe Give and grant Licence by this our Charter, unto the said *William Penn*, his heires and assignes, and to all the inhabitants and dwellers in the Province aforesaid, both present and to come, to import or unlade, by themselves or their Servants, factors or assignes, all merchandizes and goods whatsoever, that shall arise of the fruites and comodities of the said Province, either by Land or Sea, into

any of the ports of us, our heires and successors, in our Kingdome of *England*, and not into any other Countrey whatsoever: And wee give him full power to dispose of the said goods in the said ports; and if need bee, within one yeare next after the unladeing of the same, to lade the said Merchandizes and Goods again into the same or other shippes, and to export the same into any other Countreys, either of our Dominions or floreigne, according to Lawe: Provided alwayes, that they pay such customes and impositions, subsidies and duties for the same, to us, our heires and Successors, as the rest of our Subjects of our Kingdome of *England*, for the time being, shall be bound to pay, and doe observe the Acts of Navigation, and other Lawes in that behalfe made.

AND FURTHERMORE, of our most ample and especiall grace, certaine knowledge, and meere motion, Wee doe, for us, our heires and Successors, Grant unto the said *William Penn*, his heires and assignes, full and absolute power and authoritie to make, erect, and constitute within the said Province and the Isles and Islets aforesaid, such and soe many Sea-ports, harbours, Creeks, Havens, Keyes, and other places, for discharge and unladeing of goods and Merchandizes, out of the shippes, Boates, and other Vessells, and ladeing them in such and soe many Places, and with such rights, Jurisdiccions, liberties and privileges unto the said ports belonging, as to him or them shall seeme most expedient; and that all and singuler the shippes, boates and other Vessells, which shall come for merchandize and trade unto the said Province, or out of the same shall depart, shall be laden or unladen onely at such Ports as shall be erected and constituted by the said *William Penn*, his heires and assignes, any use, custome, or other thing to the contrary notwithstanding. Provided, that the said *William Penn* and his heires, and the Lieutenants and Governors for the time being, shall admitt and receive in and about all such Ports, Havens, Creeks, and Keyes, all officers and their Deputies, who shall from time to time be appointed for that Purpose by the farmers or Commissioners of our Customes for the time being.

AND Wee doe further appoint and ordaine, and by these presents, for us, our heires and Successors, Wee doe grant unto the said *William Penn*, his heires and assignes, That he, the said *William Penn*, his heires and assignes, may from time to time for ever, have and enjoy the Customes and Subsidies, in the Portes, Harbours, and other Creeks and Places aforesaid, within the Province aforesaid, payable or due for merchandizes and

wares there to be laded and unladed, the said Customes and Subsidies to be reasonably assessed upon any occasion, by themselves and the People there as aforesaid to be assembled, to whom wee give power by these presents, for us, our heires and Successors, upon just cause and in due p'portion, to asseesse and impose the same; Saving unto us, our heires and Successors, such impositions and Customes, as by Act of Parliament are and shall be appointed.

AND it is Our further Will and plasure, that the said *William Penn*, his heires and assignes, shall from time to time constitute and appoint an Attorney or Agent, to Reside in or neare our City of *London*, who shall make knowne the place where he shall dwell or may be found, unto the Clerks of our Privy Counsell for the time being, or one of them, and shall be ready to appeare in any of our Courts att *Westminster*, to Answer for any Misdemeanors that shall be committed, or by any wilfull default or neglect permitted by the said *William Penn*, his heires or assignes, against our Lawes of Trade or Navigation; and after it shall be ascertained in any of our said Courts, what damages Wee or our heires or Successors shall have sustained by such default or neglect, the said *William Penn*, his heires and assignes shall pay the same within one yeare after such taxation, and demand thereof from such Attorney: or in case there shall be noe such Attorney by the space of a yeare, or such Attorney shall not make payment of such damages within the space of one yeare, and answer such other forfeitures and penalties within the said time, as by the Acts of Parliament in *England* are or shall be provided, according to the true intent and meaneing of these presents; then it shall be lawfull for us, our heires and Successors, to seize and Resume the government of the said Province or Countrey, and the same to retaine untill payment shall be made thereof: But notwithstanding any such Seizure or resumption of the government, nothing concerneing the propriety or ownership of any Lands, tenements, or other hereditaments, or goods or chattels of any the Adventurers, Planters, or owners, other then the respective Offenders there, shall be any way be affected or molested thereby.

PROVIDED alwayes, and our will and pleasure is, that neither the said *William Penn*, nor his heires, or any other the inhabitants of the said Province, shall at any time hereafter have or maintain any Correspondence with any other king, prince, or State, or with any of their subjects, who shall then be in Warr against us, our heires

or Successors; Nor shall the said *William Penn*, or his heires, or any other the Inhabitants of the said Province, make Warre or doe any act of Hostility against any other king, prince, or State, or any of their Subjects, who shall then be in league or amity with us, our heires or Successors.

AND, because in soe remote a Countrey, and scituate neare many Barbarous Nations, the incursions as well of the Savages themselves, as of other enemies, pirates and robbers, may probably be feared; Therefore Wee have given, and for us, our heires and Successors, Doe give power by these presents unto the said *William Penn*, his heires and assignes, by themselves or their Capitaines or other their Officers, to levy, muster and traine all sorts of men, of what condition soever, or wheresoever borne, in the said Province of *Pensilvania*, for the time being, and to make Warre, and to pursue the enemies and Robbers aforesaid, as well by Sea as by Land, even without the Limitts of the said Province, and by God's assistance to vanquish and take them, and being taken to put them to death by the Law of Warre, or to save them, att their pleasure, and to doe all and every other Thing which to the Charge and Office of a Captaine-Generall of an Army belongeth or hath accustomed to belong, as fully and freely as any Captaine-Generall of an Army hath ever had the same.

AND FURTHERMORE, of Our especiall grace and of our certaine knowledge and meere motion, wee have given and granted, and by these presents, for us, our heires and Successors, do Give and Grant unto the said *William Penn*, his Heirs and Assignes, full and absolute power, licence and authoritie, that he, the said *William Penn*, his heires and assignes, from time to time hereafter forever, att his or their own Will and pleasure may assigne, alien, Grant, demise, or enfeoffe of the Premises soe many and such partes or parcells to him or them that shall be willing to purchase the same, as they shall thinke fitt, To have and to hold to them and the said person and persons willing to take or purchase, their heires and assignes, in fee-simple or fee-taile, or for the terme of life, or lives or yeares, to be held of the said *William Penn*, his heires and assignes, as of the said Seignory of *Windsor*, by such services, customes and rents, as shall seeme fitt to the said *William Penn*, his heires and assignes, and not immediately of us, our heires and successors. AND to the same person or persons, and to all and every of them, wee doe give and grant by these presents, for us, our heires and successors, licence, authoritie and power,

that such person or persons may take the premisses, or any parcell thereof, of the aforesaid *William Penn*, his heires or assignes, and the same hold to themselves, their heires and assignes, in what estate of inheritance soever, in fee-simple or in fee-taile, or otherwise, as to him, the said *William Penn*, his heires and assignes, shall seem expedient: The Statute made in the parliament of *EDWARD*, sonne of King *HENRY*, late King of *England*, our predecessor, commonly called *The Statute QUIA EMPTORES TERRARUM*, lately published in our Kingdome of *England* in any wise notwithstanding.

AND by these presents wee give and Grant Licence unto the said *William Penn*, and his heires, likewise to all and every such person and persons to whom the said *William Penn* or his heires shall att any time hereafter grant any estate or inheritance as aforesaid, to erect any parcell of Land within the Province aforesaid into Manors, by and with the Licence to be first had and obteyned for that purpose, under the hand and Seale of the said *William Penn* or his heires; and in every of the said Mannors to have and to hold a Court-Baron, with all thinges whatsoever which to a Court-Baron do belong, and to have and to hold View of frank-pledge for the conservation of the peace and the better government of those partes, by themselves or their Stewards, or by the Lords for the time being of other Mannors to be deputed when they shall be erected, and in the same to use all things belonging to the View of frank-pledge. AND Wee doe further grant licence and autorite, that every such person and persons who shall erect any such Mannor or Mannors, as aforesaid, shall or may grant all or any parte of his said Lands to any person or persons, in fee-simple, or any other estate of inheritance to be held of the said Mannors respectively, soe as noe further tenures shall be created, but that upon all further and other alienations thereafter to be made, the said lands soe aliened shall be held of the same Lord and his heires, of whom the alienor did then before hold, and by the like rents and Services which were before due and accustomed.

AND FURTHER our pleasure is, and by these presents, for us, our heires and Successors, Wee doe covenant and grant to and with the said *William Penn*, and his heires and assignes, That Wee, our heires and Successors, shall at no time hereafter sett or make, or cause to be sett, any imposition, custome or other taxation, rate or contribution whatsoever, in and upon the dwellers and inhabitants of the aforesaid Province, for their Lands, tenements, goods or chattells within

the said Province, or in and upon any goods or merchandize within the said Province, or to be laden or unladen within the ports or harbours of the said Province, unless the same be with the consent of the Proprietary, or chiefe governor, or assembly, or by act of Parliament in *England*.

AND Our Pleasure is, and for us, our heires and Successors, Wee charge and command, that this our Declaration shall from henceforward be received and allowed from time to time in all our courts, and before all the Judges of us, our heires and Successors, for a sufficient and lawfull discharge, payment and acquittance; commanding all and singular the officers and ministers of us, our heires and Successors, and enjoyneing them upon pain of our high displeasure, that they doe not presume att any time to attempt any thing to the contrary of the premisses, or that doe in any sort withstand the same, but that they be att all times aiding and assisting, as is fitting unto the said *William Penn*, and his heires, and to the inhabitants and merchants of the Province aforesaid, their Servants, Ministers, factors and Assignes, in the full use and fruition of the benefit of this our Charter.

AND Our further pleasure is, and wee doe hereby, for us, our heires and Successors, charge and require, that if any of the inhabitants of the said Province, to the number of Twenty, shall at any time hereafter be desirous, and shall by any writeing, or by any person deputed for them, signify such their desire to the Bishop of *London* for the time being that any preacher or preachers, to be approved of by the said Bishop, may be sent unto them for their instruction, that then such preacher or preachers shall and may be and reside within the said Province, without any deniall or molestation whatsoever.

AND if perchance hereafter it should happen any doubts or questions should arise, concerning the true Sense and meaning of any word, clause, or Sentence conteyned in this our Present Charter, Wee will ordaine, and command, that att all times and in all things, such interpretation be made thereof, and allowed in any of our Courts whatsoever, as shall be adjudged most advantageous and favourable unto the said *William Penn*, his heires and assignes: Provided always that no interpretation be admitted thereof by which the allegiance due unto us, our heires and Successors, may suffer any prejudice or diminution; Although express mention be not made in these presents of the true yearly value, or certainty of the premisses, or of any parte thereof, or of other gifts and grants made by us our progenitors or predecessors unto

the said *William Penn*: Any Statute, Act, ordinance, provision, proclamation, or restraint heretofore had, made, published, ordained or provided, or any other thing, cause, or matter whatsoever, to the contrary thereof in any wise notwithstanding.

IN WITNESS, &c.

Given under our Privy Seale at our Palace of Westminster the Eight and Twentieth day of February in the Three and Thirtyeth Yeare of Our Reigne.

I. MATHEW.

II. FRAME OF GOVERNMENT OF PENNSYLVANIA.

The frame of the government of the province of Pensilvania, in America: together with certain laws agreed upon in England, by the Governor and divers freemen of the aforesaid province. To be further explained and confirmed there, by the first provincial Council, that shall be held, if they see meet.

The Preface.

When the great and wise God had made the world, of all his creatures, it pleased him to chuse man his Deputy to rule it: and to fit him for so great a charge and trust, he did not only qualify him with skill and power, but with integrity to use them justly. This native goodness was equally his honour and his happiness; and whilst he stood here, all went well; there was no need of coercive or compulsive means; the precept of divine love and truth, in his bosom, was the guide and keeper of his innocency. But lust prevailing against duty, made a lamentable breach upon it; and the law, that before had no power over him, took place upon him, and his disobedient posterity, that such as would not live conformable to the holy law within, should fall under the reproof and correction of the just law without, in a judicial administration.

This the Apostle teaches in divers of his epistles: "The law (says he) was added because of transgression." In another place "Knowing that the law was not made for the righteous man; but for the disobedient and ungodly, for sinners, for unholy and profane, for murderers, for whoremongers, for them that defile themselves with mankind, and for man-stealers, for liars, for perjured persons," &c., but this is not all he opens and carries the matter of government a little further: "Let every soul be subject to the higher powers; for there is no power but of God. The powers that be are ordained of God: whosoever therefore resisteth the power, resisteth the ordinance of God. For rulers are not a terror to good works, but to evil: wilt thou then not be afraid of the power? do that which is good, and thou shalt have praise of the same." "He is the minister of God to thee for good." "Wherefore ye must needs be subject, not only for wrath, but for conscience sake."

This settles the divine right of government beyond exception, and that for two ends: first, to terrify evil doers: secondly, to cherish those that do well; which gives government a life beyond

corruption, and makes it as durable in the world, as good men shall be. So that government seems to me a part of religion itself, a thing sacred in its institution and end. For, if it does not directly remove the cause, it crushes the effects of evil, and is as such, (though a lower, yet) an emanation of the same Divine Power, that is both author and object of pure religion; the difference lying here, that the one is more free and mental, the other more corporal and compulsive in its operations: but that is only to evil doers; government itself being otherwise as capable of kindness, goodness and charity, as a more private society. They weakly err, that think there is no other use of government, than correction, which is the coarsest part of it: daily experience tells us, that the care and regulation of many other affairs, more soft, and daily necessary, make up much of the greatest part of government; and which must have followed the peopling of the world, had Adam never fell, and will continue among men, on earth, under the highest attainments they may arrive at, by the coming of the blessed *Second Adam*, the Lord from heaven. Thus much of government in general, as to its rise and end.

For particular frames and models, it will become me to say little; and comparatively I will say nothing. My reasons are:

First. That the age is too nice and difficult for it; there being nothing the wits of men are more busy and divided upon. It is true, they seem to agree to the end, to wit, happiness; but, in the means, they differ, as to divine, so to this human felicity; and the cause is much the same, not always want of light and knowledge, but want of using them rightly. Men side with their passions against their reason, and their sinister interests have so strong a bias upon their minds, that they lean to them against the good of the things they know.

Secondly. I do not find a model in the world, that time, place, and some singular emergences have not necessarily altered; nor is it easy to

frame a civil government, that shall serve all places alike.

Thirdly. I know what is said by the several admirers of *monarchy, aristocracy* and *democracy*, which are the rule of one, a few, and many, and are the three common ideas of government, when men discourse on the subject. But I chuse to solve the controversy with this small distinction, and it belongs to all three: *Any government is free to the people under it* (whatever be the frame) *where the laws rule, and the people are a party to those laws*, and more than this is tyranny, oligarchy, or confusion.

But, lastly, when all is said, there is hardly one frame of government in the world so ill designed by its first founders, that, in good hands, would not do well enough; and story tells us, the best, in ill ones, can do nothing that is great or good; witness the *Jewish* and *Roman* states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them they are ruined too. Wherefore governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad; if it be ill, they will cure it. But, if men be bad, let the government be never so good, they will endeavor to warp and spoil it to their turn.

I know some say, let us have good laws, and no matter for the men that execute them: but let them consider, that though good laws do well, good men do better: for good laws may want good men, and be abolished or evaded [invaded in Franklin's print] by ill men; but good men will never want good laws, nor suffer ill ones. It is true, good laws have some awe upon ill ministers, but that is where they have not power to escape or abolish them, and the people are generally wise and good: but a loose and depraved people (which is the question) love laws and an administration like themselves. That, therefore, which makes a good constitution, must keep it, *viz:* men of wisdom and virtue, qualities, that because they descend not with worldly inheritances, must be carefully propagated by a virtuous education of youth; for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents, for their private patrimonies.

These considerations of the weight of government, and the nice and various opinions about it, made it uneasy to me to think of publishing the ensuing frame and conditional laws, forseeing both the censures, they will meet with, from men of differing humours and engagements, and the

occasion they may give of discourse beyond my design.

But, next to the power of necessity, (which is a solicitor, that will take no denial) this induced me to a compliance, that we have (with reverence to God, and good conscience to men) to the best of our skill, contrived and composed the *frame* and *laws* of this government, to the great end of all government, *viz:* *To support power in reverence with the people, and to secure the people from the abuse of power*; that they may be free by their just obedience, and the magistrates honourable, for their just administration: for liberty without obedience is confusion, and obedience without liberty is slavery. To carry this evenness is partly owing to the constitution, and partly to the magistracy: where either of these fail, government will be subject to convulsions; but where both are wanting, it must be totally subverted; then where both meet, the government is like to endure. Which I humbly pray and hope God will please to make the lot of this of *Pensilvania*. Amen.

WILLIAM PENN.

The Frame, &c.—April 25, 1682.

To all Persons, to whom these presents may come. WHEREAS, king Charles the Second, by his letters patents, under the great seal of *England*, bearing date the fourth day of March in the Thirty and Third Year of the King, for divers considerations therein mentioned, hath been graciously pleased to give and grant unto me *William Penn*, by the name of *William Penn*, Esquire, son and heir of Sir *William Penn*, deceased, and to my heirs and assigns forever, all that tract of land, or Province, called *Pennsylvania*, in *America*, with divers great powers, pre-eminences, royalties, jurisdictions, and authorities, necessary for the well-being and government thereof: Now know ye, that for the well-being and government of the said province, and for the encouragement of all the freemen and planters that may be therein concerned, in pursuance of the powers aforementioned, I, the said *William Penn*, have declared, granted, and confirmed, and by these presents, for me, my heirs and assigns, do declare, grant, and confirm unto all the freemen, planters and adventurers of, in and to the said province, these liberties, franchises, and properties, to be held, enjoyed and kept by the freemen, planters, and inhabitants of the said province of *Pensilvania* for ever.

Imprimis. That the government of this province shall, according to the powers of the patent, con-

sist of the Governor and freemen of the said province, in form of a provincial Council and General Assembly, by whom all laws shall be made, officers chosen, and public affairs transacted, as is hereafter respectively declared, that is to say —

II. That the freemen of the said province shall, on the twentieth day of the twelfth month, which shall be in this present year one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be before hand given by the Governor or his Deputy; and then, and there, shall chuse out of themselves *seventy-two* persons of most note for their wisdom, virtue and ability, who shall meet, on the tenth day of the first month next ensuing, and always be called, and act as, the provincial Council of the said province.

III. That, at the first choice of such provincial Council, one-third part of the said provincial Council shall be chosen to serve for three years, then next ensuing; one-third part, for two years then next ensuing; and one-third part, for one year then next ensuing such election, and no longer; and that the said third part shall go out accordingly: and on the twentieth day of the twelfth month, as aforesaid, yearly for ever afterwards, the freemen of the said province shall, in like manner, meet and assemble together, and then chuse twenty-four persons, being one-third of the said number, to serve in provincial Council for three years: it being intended, that one-third part of the whole provincial Council (always consisting, and to consist, of seventy-two persons, as aforesaid) falling off yearly, it shall be yearly supplied by such new yearly elections, as aforesaid; and that no one person shall continue therein longer than three years: and, in case any member shall decease before the last election during his time, that then at the next election ensuing his decease, another shall be chosen to supply his place, for the remaining time, he was to have served, and no longer.

IV. That, after the first seven years, every one of the said third parts, that goeth yearly off, shall be incapable of being chosen again for one whole year following: that so all may be fitted for government, and have experience of the care and burden of it.

V. That the provincial Council, in all cases and matters of moment, as their arguing upon bills to be passed into laws, erecting courts of justice, giving judgment upon criminals impeached, and choice of officers, in such manner as is herein-after mentioned, not less than two-thirds of the whole provincial Council shall make a *quorum*,

and that the consent and approbation of two-thirds of such *quorum* shall be had in all such cases and matters of moment. And moreover that, in all cases and matters of lesser moment, twenty-four Members of the said provincial Council shall make a *quorum*, the majority of which twenty-four shall, and may, always determine in such cases and causes of lesser moment.

VI. That, in this provincial Council, the Governor or his Deputy, shall or may, always preside, and have a treble voice; and the said provincial Council shall always continue, and sit upon its own adjournments and committees.

VII. That the Governor and provincial Council shall prepare and propose to the General Assembly, hereafter mentioned, all bills, which they shall, at any time, think fit to be passed into laws, within the said province; which bills shall be published and affixed to the most noted places, in the inhabited parts thereof, thirty days before the meeting of the General Assembly, in order to the passing them into laws or rejecting of them, as the General Assembly shall see meet.

VIII. That the Governor and provincial Council shall take care, that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

IX. That the Governor and provincial Council shall, at all times, have the care of the peace and safety of the province, and that nothing be by any person attempted to the subversion of this frame of government.

X. That the Governor and provincial Council shall, at all times, settle and order the situation of all cities, ports, and market towns in every county, modelling therein all public buildings, streets, and market places, and shall appoint all necessary roads, and high-ways in the province.

XI. That the Governor and provincial Council shall, at all times, have power to inspect the management of the public treasury, and punish those who shall convert any part thereof to any other use, than what hath been agreed upon by the Governor, provincial Council, and General Assembly.

XII. That the Governor and provincial Council, shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

XIII. That, for the better management of the powers and trust aforesaid, the provincial Council shall, from time to time, divide itself into four distinct and proper committees, for the more easy administration of the affairs of the Prov-

ince, which divides the seventy-two into four eighteens, every one of which eighteens shall consist of six out of each of the three orders, or yearly elections, each of which shall have a distinct portion of business, as followeth: *First*, a committee of plantations, to situate and settle cities, ports, and market towns, and high-ways, and to hear and decide all suits and controversies relating to plantations. *Secondly*, a committee of justice and safety, to secure the peace of the Province, and punish the mal-administration of those who subvert justice the prejudice of the public, or private interest. *Thirdly*, a committee of trade and treasury, who shall regulate all trade and commerce, according to law, encourage manufacture and country growth, and defray the public charge of the Province. And, *Fourthly*, a committee of manners, education, and arts, that all wicked and scandalous living may be prevented, and that youth may be successively trained up in virtue and useful knowledge and arts: the *quorum* of each of which committees being six, that is, two out of each of the three orders, or yearly elections, as aforesaid, make a constant and standing Council of *twenty-four*, which will have the power of the provincial Council, being the quorum of it, in all cases not excepted in the fifth article; and in the said committees, and standing Council of the Province, the Governor, or his Deputy, shall, or may preside, as aforesaid; and in the absence of the Governor, or his Deputy, if no one is by either of them appointed, the said committees or Council shall appoint a President for that time, and not otherwise; and what shall be resolved at such committees, shall be reported to the said Council of the province, and shall be by them resolved and confirmed before the same shall be put in execution; and that these respective committees shall not sit at one and the same time, except in cases of necessity.

XIV. And, to the end that all laws prepared by the Governor and provincial Council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted and confirmed, that, at the time and place or places, for the choice of a provincial Council, as aforesaid, the said freemen shall yearly chuse Members to serve in a General Assembly, as their representatives, not exceeding two hundred persons, who shall yearly meet on the twentieth day of the second month, which shall be in the year one-thousand six hundred eighty and three following, in the capital town, or city, of the said province, where, during eight days, the several Members may freely confer with one another; and, if any of them see meet, with a committee of the provin-

cial Council (consisting of three out of each of the four committees aforesaid, being twelve in all) which shall be, at that time, purposely appointed to receive from any of them proposals, for the alterations or amendment of any of the said proposed and promulgated bills: and on the ninth day from their so meeting, the said General Assembly, after reading over the proposed bills by the Clerk of the provincial Council, and the occasions and motives for them being opened by the Governor or his Deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as hereinafter is expressed. But not less than two-thirds shall make a *quorum* in the passing of laws, and choice of such officers as are by them to be chosen.

XV. That the laws so prepared and proposed, as aforesaid, that are assented to by the General Assembly, shall be enrolled as laws of the Province, with this stile: *By the Governor, with the assent and approbation of the freemen in provincial Council and General Assembly.*

XVI. That, for the establishment of the government and laws of this province, and to the end there may be an universal satisfaction in the laying of the fundamentals thereof: the General Assembly shall, or may, for the first year, consist of all the freemen of and in the said province; and ever after it shall be yearly chosen, as aforesaid; which number of two hundred shall be enlarged as the country shall increase in people, so as it do not exceed five hundred, at any time; the appointment and proportioning of which, as also the laying and methodizing of the choice of the provincial Council and General Assembly, in future times, most equally to the divisions of the hundreds and counties, which the country shall hereafter be divided into, shall be in the power of the provincial Council to propose, and the General Assembly to resolve.

XVII. That the Governor and the provincial Council shall erect, from time to time, standing courts of justice, in such places and number as they shall judge convenient for the good government of the said province. And that the provincial Council shall, on the thirteenth day of the first month, yearly, elect and present to the Governor, or his Deputy, a double number of persons, to serve for Judges, Treasurers, Masters of Rolls, within the said province, for the year next ensuing; and the freemen of the said province, in the county courts, when they shall be erected, and till then, in the General Assembly, shall, on the three and twentieth day of the second month, yearly, elect and present to the Governor, or his Deputy, a double number of persons, to serve for

Sheriffs, Justices of the Peace, and Coroners, for the year next ensuing; out of which respective elections and presentments, the Governor or his Deputy shall nominate and commissionate the proper number for each office, the third day after the said presentments, or else the first named in such presentment, for each office, shall stand and serve for that office the year ensuing.

XVIII. But forasmuch as the present condition of the province requires some immediate settlement, and admits not of so quick a revolution of officers; and to the end the said Province may, with all convenient speed, be well ordered and settled, I, *William Penn*, do therefore think fit to nominate and appoint such persons for Judges, Treasurers, Masters of the Rolls, Sheriffs, Justices of the Peace, and Coroners, as are most fitly qualified for those employments; to whom I shall make and grant commissions for the said offices, respectively, to hold to them, to whom the same shall be granted, for so long time as every such person shall well behave himself in the office, or place, to him respectively granted, and no longer. And upon the decease or displacing of any of the said officers, the succeeding officer, or officers, shall be chosen, as aforesaid.

XIX. That the General Assembly shall continue so long as may be needful to impeach criminals, fit to be there impeached, to pass bills into laws, that they shall think fit to pass into laws, and till such time as the Governor and provincial Council shall declare that they have nothing further to propose unto them, for their assent and approbation: and that declaration shall be a dismiss to the General Assembly for that time; which General Assembly shall be, notwithstanding, capable of assembling together upon the summons of the provincial Council, at any time during that year, if the said provincial Council shall see occasion for their so assembling.

XX. That all the elections of members, or representatives of the people, to serve in provincial Council and General Assembly, and all questions to be determined by both, or either of them, that relate to passing of bills into laws, to the choice of Officers, to impeachments by the General Assembly, and judgment of criminals upon such impeachments by the provincial Council, and to all other cases by them respectively judged of importance, shall be resolved and determined by the ballot; and unless on sudden and indispensable oc-

casions, no business in provincial Council, or its respective committees, shall be finally determined the same day that it is moved.

XXI. That at all times when, and so often as it shall happen that the Governor shall or may be an infant, under the age of one and twenty years, and no guardians or commissioners are appointed in writing, by the father of the said infant, or that such guardians or commissioners, shall be deceased; that during such minority, the provincial Council shall, from time to time, as they shall see meet, constitute and appoint guardians or commissioners, not exceeding three; one of which three shall preside as deputy and chief guardian, during such minority, and shall have and execute, with the consent of the other two, all the power of a Governor, in all the public affairs and concerns of the said province.

XXII. That, as often as any day of the month, mentioned in any article of this charter, shall fall upon the first day of the week, commonly called the *Lord's Day*, the business appointed for that day shall be deferred till the next day, unless in case of emergency.

XXIII. That no act, law, or ordinance whatsoever, shall at any time hereafter, be made or done by the Governor of this province, his heirs or assigns, or by the freemen in the provincial Council, or the General Assembly, to alter, change, or diminish the form, or effect, of this charter, or any part, or clause thereof, without the consent of the Governor, his heirs, or assigns, and six parts of seven of the said freemen in provincial Council and General Assembly.

XXIV. And lastly, that I, the said *William Penn*, for myself, my heirs and assigns, have solemnly declared, granted and confirmed, and do hereby solemnly declare, grant and confirm, that neither I, my heirs, nor assigns, shall procure or do any thing or things, whereby the liberties, in this charter contained and expressed, shall be infringed or broken; and if any thing be procured by any person or persons contrary to these premises, it shall be held of no force or effect. In witness whereof, I, the said *William Penn*, have unto this present character of liberties set my hand and broad seal, this five and twentieth day of the second month, vulgarly called April, in the year of our *Lord* one thousand six hundred and eighty-two.

WILLIAM PENN.

LECTURES ON THE UNITED STATES

BY J. M. HINS

SECTION II

